

**BEFORE THE NATIONAL GREEN TRIBUNAL: SOUTHERN BENCH AT CHENNAI  
ORIGINAL APPLICATION NO.182/2020.**

IN THE MATTER OF  
DR.NAGAM JANRDHAN REDDY AND OTHERS..

COMPLAINANT(S)

AND  
THE STATE OF TELANGANA AND OTHERS

RESPONDENT(S)

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BEFORE THE NATIONAL GREEN TRIBUNAL:: SOUTHERN BENCH AT  
CHENNAI

ORIGINAL APPLICATION NO.182/2020

In the matter of:

Dr. Nagam Janardhan Reddy and others .. Applicants

And

State of Telangana and others .. Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENTS

I, L.Sharman, I.A.S., S/o. Rama Naik, aged 58 years,  
Designation: Collector & District Magistrate, Nagar Kurnool district, do  
hereby solemnly and sincerely affirm and state on oath as follows:

1. I am the 5<sup>th</sup> respondent herein and as such I am well acquainted with the facts of the case, and in a fit position to depose on behalf of the Respondents No.1,2,4,6,7, as I am authorised to do so, as under:-
2. I have read the O.A. filed by the Applicants and deny all the material allegations made therein, except those that are specifically admitted hereunder.
3. It is submitted that the Applicant filed the instant O.A. alleging that indiscriminate illegal constructions are being done by the persons by encroaching into the water bodies and flood plaina in Kesari Samudram Tank at Nagarkurnool, Tummala Kunta at Nellikonda,



Attestor

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Putnala kunta and Saddalasaab Kunta in Naganool Village at Nagarkurnool Municipality in Nagarkurnool District in State of Telangana against the directions of Hon'ble National Green Tribunal that there is a duty cast on State Authorities to protect water bodies against the encroachments and pollution as the authorities are not taking prompt action against such illegal activities which causes environment degradation in water bodies. It is also mentioned that encroachments are continuing in spite of pending Criminal Cases before Court of Judicial Magistrate of First class at Nagarkurnool and no action is taken against the persons responsible for encroachments to save the water body. As such, he sought to declare the action/inaction as illegal, contrary to the provisions of Environment Act 1986, Water Act, 1974 and Biodiversity rules, 2016 and for a direction to the respondents to conduct study on adverse effects of illegal encroachments for restoration and remedial measures, to take stringent action against encroachers as per the Acts, to restore the tanks, demarcate the FTL and Buffer Zone for preventing /removing encroachments and to direct the Authorities to assess the quantum of damage caused to environment for taking remedial measures. In order to ascertain the genuineness of the allegations made in this application, this Hon'ble Tribunal appointed a Joint Committee on 06.10.2020 comprising of 1) District Collector, Nagarkurnool District, 2) Superintending Engineer of Irrigation Department having jurisdiction in the area 3) Senior Officer from the Telangana Lake Protection



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Committee 4) Senior Officer from Telangana pollution Control Board as deputed by its chairman to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

Accordingly, the Government, vide Memo. No. 10150/MI/A2/2020-2 Dated 18.11.2020 have constituted Joint Committee comprising 1) The District Collector, Nagarkurnool District. 2) The Chief Engineer, Minor Irrigation (KB), Hyderabad. 3) The Superintending Engineer, Irrigation Circle, Mahbubnagar. 4) Sri D.Krupanand, Joint Chief Environmental Engineer, Zonal Office, Hyderabad and directed to submit the report on the following directions.

- a) To consider the question of existence of water bodies and the nature of encroachment and the steps taken to remove the same in respect of Kesarisamudram Minor Irrigation Tank, Tummala kunta Lake at Nellikonda, Putnala kunta and Saddalasaab Kunta in Nagnool at Nagarkurnool Municipality in Nagarkurnool District and if there is any damage caused to the environment to assess environmental compensation against the violators. if there is any pollution caused to the water quality, they are also directed to ascertain the source of pollution after conducting water analysis test and submit the remedial measures to rectify the same. They are also directed to ascertain whether garbage, construction debris etc., are dumped and any discharge of untreated sewage into the water body.
- b) To ascertain as to whether the encroachment has been made into the water body overlooking Full Tank Level (FTL) and buffer zone as fixed by the Government and the Irrigation Department.



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- c) To submit the report to the Hon'ble National Green Tribunal on or before 08.12.2020 by e-filing along with required hard copies to be produced as per rules.

In terms of the above directions, the Joint Committee submitted a report to this Hon'ble Tribunal on 7.12.2020 (filed on 7.1.2021) and thereafter, this Hon'ble Court sought for another report on the following aspects:

1. What are the temporary measures that have been taken by the respondents till construction of STP is completed?
2. Why are bunds and Government buildings not removed and Protected by the Government?
3. How many cases are pending before the Hon'ble High Court of Telangana?

Answering the said queries, the Joint Committee filed Second Report on 12.3.2021 (filed on 18.03.2021). Again the Applicant raised certain objections on the reports submitted by the Joint Committee, for which also reply will be submitted on or before 28.04.2021.

4. In reply to para.3 of the affidavit, it is humbly submitted that the then District Collector Nagarkurnool has conducted a meeting on 19.11.2019, a joint inspection along with Revenue Dept. and Municipal authorities was conducted by Irrigation Dept. on 31.12.2019 on illegal encroachments made within the FTL and buffer zone of Kesari Samudram. During joint inspection FTL boundary and Buffer Zone of



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Kesari samudram was fixed. Within the boundary of FTL and buffer zone total 31 encroachments were identified (The table showing the details of the said encroachments has already been indicated in the 1<sup>st</sup> report of the Joint Committee and it may be read as part of this Counter Affidavit). Out of 31 encroachments which fall under FTL / Buffer Zone of Kesari samudram Tank mentioned in table above, eighteen (18) encroachments in the FTL / Buffer Zone of the Water Bodies are Patta Lands, five (5) encroachments are classified as Gramakantam/Abadi/Village site and remaining Eight (8) encroachments are Govt lands in the FTL / Buffer Zone of the Water Bodies. It is submitted that, the Khasra Pahani (Land Revenue Record for the year (1954-55), which is a basic record for providing ownership of the land holders and other entries of the land details (i.e., Classification, Total extent etc.,) of the revenue village, which is legal sanctity in Telangana State. In continuation to the said record, as per the Scssala for the year 1955-58 and other subsequent years, the revenue records were prepared. On verification of Khasra Pahani (Land Revenue record) the subject survey numbers in which structures were observed by the Committee fall under FTL / Buffer zone of Kesarisamudram tank which are classified as (18) Pattalands (Private Lands), (5) Gramakantam / Abadi / Village site and (8) structures in Govt. Land.



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I. Kesarisamudram Tank

Sri M.ShayamSunder in Sl.No.1 of Annexure-I in Sy.No.3 in Nagarkurnool Village raised the FTL land by constructing retaining wall all around the plot to an extent of Ac.6.02 Gts and filled with soils:

The Deputy Executive Engineer, I.B Sub Division, Nagarkurnool has lodged a complaint vide FIR No.120/2016 on 04.05.2016 in Police station Nagarkurnool on raising of FTL land for developing the Real estate plots in survey No.3. The Police authorities are informed vide letter No. Pet-SDON/2020, Dated.04.12.2020 that charge sheet was filed against the accused and the case is pending trial vide CC.No.290/2016.

The Revenue Divisional Officer, Nagarkurnool stated that WP.No.14826/2020 was filed by M.ShyamSunder S/o Narasimhaiah in Hon'ble High Court, Hyderabad complaining inaction for not processing in Proceeding. No. E/1489/2016 dated 16.09.2020 for conversion of agriculture land into non-agricultural land was disposed of by the Hon'ble High Court, Telangana, Hyderabad duly observing that, in the given circumstances of the instant case, since the application filed by the vendors of the Petitioner to convert the subject land for non-agricultural use was rejected by the Revenue Divisional officer, Nagarkurnool vide Proceeding No.E/1489/2016, dt.16.09.2020, no orders need to be passed in the writ petition. The Petitioner was granted liberty to work out the remedies available to him under law. Again, the occupant approached the Hon'ble High Court, Hyderabad and filed W.P.No.18872/2020 and the same is pending.

The Municipal commissioner has informed that, as per the request made by Executive Engineer, IB Division Nagarkurnool



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vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572, Dated:03.08.2020, notices were served to the encroachers to vacate/ remove the encroachments within 7 days from the date of receipt of notice failing which further action will be initiated as per rules in force vide file No. G/1116/UC/NGKL/2020 Dated:26.11.2020. Consequently, the encroachers approached the Hon'ble High Court Telangana State, Hyderabad vide W.P.No.21887/2020 dated:30.11.2020.The Hon'ble High Court ordered that till such time the final orders are passed the official respondents shall not take any coercive steps against the petitioners.

Sri Rajender in Sl.No.2 of Annexure-I in Sy.No.16 of Nagarkurnool Village constructing Residential House in 191.28 Sq yards:

Sri Vijay Kumar in Sl.No.3 of Annexure-I in Sy.No.16 of Nagarkurnool Village constructed Water Plant (AC sheet roofing) to an extent of 137.06 Sq.Yds:

Sri Malishetti Papaiah in Sl.No.7 of Annexure-I in Sy.No.17 of Nagarkurnool village of Nagarkurnool Mandal raised foundation upto basement level to an extent of 427.00Sq.Yds:

Sri Palamuri Raju in Sl.No.8 of Annexure-I in Sy.No.16 of Uyyalawada Village of Nagarkurnool Mandal constructed part of the compound wall falling under Buffer zone to an extent of Ac. 0.296 gts.

Sri Shivaji in Sl. No.10 of Annexure-I in Sy.No.16 of Nagarkurnool Village of Nagarkurnool constructed a part of residential building falling under Buffer Zone with an extent of 98.78Sq.Yds:



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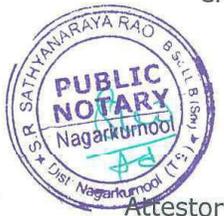
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Sri M. Laxmi SI.No.12. of Annexure-I Sy.No.15 of Nagarkurnool Village of Nagarkurnool Mandal constructed total residential house to an extent of 170.42 Sq. Yards falling under buffer zone. She filed W.P.No.22231/2020 challenging the order of the respondents in seeking to dispossess the Petitioner's house bearing H.No.12-156/6/3 to an extent of Ac.167.63 Sq. yards situated at Nagarkurnool Municipality as illegal, arbitrary and contrary to the provisions of T.S. Municipalities Act. In the said case, the Hon'ble High Court granted interim order with a direction not to take coercive steps against her. As such no action has been taken.

For SI.No.2,3,7,8,10,12 and 28 of Annexure-I ( indicating the encroachments), The Executive Engineer, IB Division Nagarkurnool has requested the Municipal Commissioner Nagarkurnool and Revenue Divisional Officer, Nagarkurnool to issue notices to the encroachers for evacuation from the FTL/ Buffer zone area vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated:03.08.2020.

In respect of SI.No.2,3 and10, the Revenue Divisional officer, Nagarkurnool Stated that, the former Revenue Divisional officer, Nagarkurnool has issued NALA permission vide Proc.No. I/1840/2018 dated:14.08.2018 in respect of survey No.16/2 to an extent of Ac. 0-20 gts only in Sy.No.16, but there is no permission given to remaining land in Sy.No.16

The Municipal Commissioner stated that, as per the request made by the Executive Engineer, IB Division Nagarkurnool vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572, dated: 03.08.2020, notices were served to the encroachers SI.No.2,3,8,10,12 and 28 of Annexure-I to the 1<sup>st</sup>



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report of the Joint Committee to vacate/ remove them vide file No. G/1116/ UC/NGKL/2020 Dated:26.11.2020.

In response to the notices issued to the SI.No12 has approached the Hon'ble High Court, in WP.No.22231/2020 and the Hon'ble High Court passed interim orders directing the respondents there in not to interfere with the Possession of the Petitioner over premises bearing H.No.12-156/6/3 until disposal of W.P. No.22231 of 2020. As such no action taken against S.No12. It is to submit that proceedings are pending for taking action against 2,3,8,10 as per law.

The SI.No.28 is Urban residential School in Sy.No.3 of Nagarkurnool Village of Nagarkurnool Mandal of which full structure falling in buffer zone in an extent of 1068.00 Sq. Yards but the property Tax entries are available in respect of the said house property from 01.04.2015, and pending the proceedings for taking action as per law.

SI.No.5 of Annexure-I of the report the soil was raised for plotting in an extent of Ac. 7.04 gts in Sy.No. <sup>27 to 40</sup> of Uyyalawada village. And pending the proceedings for taking action as per law.

Smt K. Krishnamma in SI No.9 of Annexure-I of the report in Sy.No.23 of Nagarkurnool Village of Nagarkurnool Mandal, part of Compound wall constructed falling under buffer zone area to an extent Ac 0-12 guntas And pending the proceedings for taking action as per law.

A part of Sowbhagya gardens compound wall is constructed in SI.No11 of Annexure-I of the first report of the Joint Committee in Sy.No.360 of Nagarkurnool Village of Nagarkurnool Mandal falling under Buffer zone to an extent of 569.29 Sq. Yards.



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For Sl.No.5,9,11 of Annexure-I of the first report of the Joint Committee, the Executive Engineer, IB Division Nagarkurnool has requested the Municipal Commissioner Nagarkurnool and Revenue Divisional Officer, Nagarkurnool to issue notices to the occupant to evacuate from the FTL/ Buffer zone area vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated:03.08.2020.

This office of District collector Nagarkurnool has got issued Proc. No D1/1870/2019 Dt:10.02.2021 cancelling the NALA permission earlier granted by the Revenue Divisional officer, Nagarkurnool over the lands in Sy.No.360,28,29,38,39,23 at Nagarkurnool village & uyyalawada village of Nagarkurnool Mandal. The copy of proceedings is here by enclosed for kind perusal of the Hon'ble Tribunal.

The Municipal Commissioner has informed that, as per the request made by the Executive Engineer, IB Division Nagarkurnool vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572,dated:03.8.2020, notices were served on the encroachers vide Sl.No. 9 and Sl.11 to vacate/ remove the encroachments vide File No. G/1116/UC/NGKL/2020, Dated:26.11.2020 and pending the proceedings for taking action as per law, and in Sl.No.5 bearing Sy.No. <sup>27/40</sup> but their addresses were not traced out, due to which the notices could not be served. And pending the proceedings for taking action against Sl.No.9 & 11 as per law.

Md. Jahangir in Sl.No.4. of Annexure-I of the first report in Sy.No.39/E of Yendabetla Village erected reinforcement for laying RCC Column to an extent of 1112 27 Sq.Yards.

The Executive Engineer, IB Division, Nagarkurnool has requested the Municipal Commissioner, Nagarkurnool and



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Revenue Divisional Officer, Nagarkurnool to issue notices to the encroachers to evacuate from the FTL/ Buffer zone area vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572, Dated:03.08.2020.

The Revenue Divisional Officer, Nagarkurnool has granted NALA permission vide Proc.No. A/342/2019 dated:21.02.2019 in respect of survey No.39 to an extent of Ac.3-20Gts. Subsequently the Revenue Divisional Officer, Nagarkurnool vide Lr.No.B/2300/2019 Dated:02.12.2019 requested the District Collector, Nagarkurnool to issue order for Cancellation of NALA permission. Accordingly, the District collector Nagarkurnool issued notices for cancellation of NALA permission vide Letter No. D1/1870/2019 Dt: 31.12.2019. And pending the proceedings for taking action as per law.

Sri Miryala Thirupathaiah constructed swimming pool to an extent of Ac.0.20 Gts in Sl.No.6. of Annexure-I in Sy.No.156 of Cherlathirumalapur Village of Tadoor Mandal:

The Executive Engineer, IB Division Nagarkurnool has requested the Municipal Commissioner Nagarkurnool and Revenue Divisional Officer, Nagarkurnool to issue notices to the encroachers to evacuate from the FTL/ Buffer zone area vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated:03.08.2020.

The Revenue Divisional Officer, Nagarkurnool stated that, the Former Revenue Divisional Officers, Nagarkurnool has not issued any NALA permission in respect of Sy.No.156. Further no approvals/ permissions have been given for construction of Swimming pool.



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The Municipal Commissioner informed that, as per the request made by the Executive Engineer, IB Division Nagarkurnool vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572, dated:03.08.2020, notices were served to the encroachers to vacate/ remove the vide file No. G/1116/UC/NGKL/2020 Dated:26.11.2020. And pending the proceedings for taking action as per law.

Sri Sadvin Usman in Sl.No.13 of Annexure-I of the first report of the Joint Committee in Gramkantam/Abadi/ Village site of Nagarkurnool Village of Nagarkurnool Mandal constructed old house 60 years way back, part of structure falling under buffer zone to an extent of 19.44 Sq.Yds but the property Tax entries are available in respect of the said house property from 01.04.1990, and pending the proceedings for taking action as per law.

Sri Mukthar Ahemadin Sl.No.14.ofAnnexure-I of the first report of the Committee in Gramkantam/Abadi/ Village site of Nagarkurnool Village of Nagarkurnool Mandal constructed old house way back of 22 years, part of structure falling under buffer zone to an extent of 50.23 Sq.Yds but the property Tax entries are available in respect of the said house property from 01.04.1990, and pending the proceedings for taking action as per law.

Sri Mukthar Ahemadin Sl.No.15.ofAnnexure-I of the first report of the Joint Committee in Gramkantam/Abadi/Village site of Nagarkurnool Village, Nagarkurnool Mandal constructed old house way back of 30 years, part of structure falling under buffer zone to an extent of 50.23 Sq.Yds but the property Tax entries are available in respect of the said house property from 01.04.1990, and pending the proceedings for taking action as per law.



Attest to

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Sri Shaik Syad in SI.No.16 of Annexure-I of the first report of the Joint Committee in Gramkantam/Abadi/ Village site of Nagarkurnool Village of Nagarkurnool Mandal constructed house 60 years way back, part of structure falling under buffer zone to an extent of 50.23 Sq.Yds but the property Tax entries are available in respect of the said house property from 01.04.1990, and pending the proceedings for taking action as per law.

Sri Shaik Usamn-bin-uddin in SI.No.17 of the first report of the Joint Committee in Gramkantam/Abadi/ Village site of Nagarkurnool Village of Nagarkurnool Mandal constructed old house way back of 30 years, part of structure falling under buffer zone to an extent of 150.69 Sq.Yds but the property Tax entries are available in respect of the said house property from 01.04.1990, and pending the proceedings for taking action as per law.

For SI.No.13,14,15,16 and 17 of Annexure-1 of the first report of the Joint Committee The Executive Engineer, IB Division Nagarkurnool has requested the Municipal Commissioner, Nagarkurnool and Revenue Divisional Officer, Nagarkurnool to issue notices to the encroachers to evacuate from the FTL/ Buffer zone area vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated:03.08.2020.

The Revenue Divisional officer, Nagarkurnool has informed that no permissions have been accorded for conversion of agricultural land to non-agriculture land (NALA).

The Municipal commissioner stated that, as per the request made by the Executive Engineer, IB Division Nagarkurnool vide LetterNo.DIO/EEIB/NGKL/DB/TO/2020-21/572, Dated:03.08.2020, notices were served on the encroachers to vacate/ remove the vide file No. G/1116/ UC/NGKL/2020



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 (Telangana State) Cell 9440751160

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 Deponent

**Dist. Collector & Magistrate**  
 Nagarkurnool Dist.

Dated:26.11.2020. And pending the proceedings for taking action as per law.

Moosa Masjid in Sl.No. 18 of the Annexure-I of the first report of the Joint Committee in Sy.No.1 of Nagarkurnool Village of Nagarkurnool Mandal. The said Moosa Masjid is very old structure.

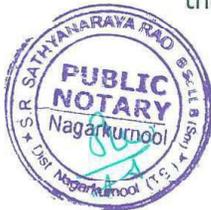
Z.P.P Govt. Building Sl.No.19 of Annexure-I of the first report of the Joint Committee Sy.No.16 of Uyyalawada Village of Nagarkurnool Mandal.

The Executive Engineer, IB Division Nagarkurnool has requested the Municipal Commissioner Nagarkurnool and Revenue Divisional Officer, Nagarkurnool to issue notices to the encroachers to evacuate from the FTL/ Buffer zone area vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated: 03.08.2020.

The Revenue Divisional officer, Nagarkurnool has informed that no permissions have been accorded for conversion of agricultural land to non-agriculture land (NALA).

The Municipal Commissioner stated that, as per the request made by the Executive Engineer, IB Division Nagarkurnool vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572, Dated: 03.08.2020, notices were served on the encroachers to vacate/ remove the encroachments vide file No. G/1116/ UC/NGKL/2020 Dated: 26.11.2020.

Sri Danugula Masaiah, S/O Sarvaiah in Sl. No 20 of Annexure-I of the first report of the Joint Committee, Sy.No.176 of Yendabetla Village of Nagarkurnool Mandal, full structure constructed in buffer zone in an extent of 81.20 Sq. yards but as per the records the GP Yendabetla has issued permission dated 06.03.2008.



Attestor

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Sri Danugula Chinna Masaiah S/O Sarvaiah in Sl.No 21 of Annexure-I of the first report of the Joint Committee, Sy.No.176 of Yendabetla Village of Nagarkurnool Mandal, full structure falling in buffer zone with an extent of 52.89 Sq. yards but as per the records the GP Yendabetla has issued permission dated 06.03.2008. and pending the proceedings for taking action as per law.

Sri Danugula Karrenna, S/O Advanna in Sl.No.22 of Annexure-I of the first report of the Joint Committee, Sy.No.176 of Yendabetla Village of Nagarkurnool Mandal, full structure falling in buffer zone with an extent of 62.43 Sq. yards but the property Tax entries are available in respect of the said house property from the year 2012-2013 to till date, and pending the proceedings for taking action as per law.

Sri Dasarath S/o Danugula Advanna in Sl.No. 23 of Annexure-I of the first report of the Joint Committee Sy.No.176 of Yendabetla Village of Nagarkurnool Mandal, full structure falling in buffer zone with an extent of 59.42 Sq. yards but the property Tax entries are available in respect of the said house property from the year 2012-2013 to till date, and pending the proceedings for taking action as per law.

Sri. Pandu Muddugula S/o Laxmaiah inSl.No. 24 of Annexure-I of the first report of the Joint Committee Sy.No.176 of Yendabetla Village of Nagarkurnool Mandal, part of structure falling in buffer zone with an extent of 110.94 Sq. Yards but as per the records the GP Yedlabetla has issued permission dated 23.12.2017, and pending the proceedings for taking action as per law.



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Sri Pasupula Laxmaiah, S/o Masaiah In Sl.No.25 of Annexure-I of the first report of the Joint Committee Sy.No.176 of Yendabetla Village of Nagarkurnool Mandal, full structure falling in buffer zone with an extent of 72.36 Sq. Yds but as per the records the GP Yedlabetla has issued permission dated 05.03.2008, and pending the proceedings for taking action as per law.

Sri Makkala Kurmaiah & Sri Makkala Masaiah, S/o Yellaiah in Sl.No.26 of Annexure-I of the first report of the Joint Committee, H.No 1-58, 1-60 in Sy.No176 of Yendabetla Village of Nagarkurnool Mandal, full structure falling in buffer zone with an extent of 41.03 Sq. Yds but the property Tax entries are available in respect of the said house property from year 2018, and pending the proceedings for taking action as per law.

Sri Pasupula Bheemudu s/o Chinna Kurumaiah. in Sl.No. 27 of Annexure-I, Sy.No.176 of Yendabetla Village of Nagarkurnool Mandal, full structure falling in buffer zone with an extent of 35.88 Sq. Yds As per records the GP Yedlabetla has issued permission dated 01.08.2018, and pending the proceedings for taking action as per law.

For Sl.No.20,21,22,23,24,25,26 and 27 of The Executive Engineer, IB Division Nagarkurnool has requested the Municipal Commissioner, Nagarkurnool and Revenue Divisional Officer, Nagarkurnool to issue notices to the encroachers to evacuate them from the FTL/ Buffer zone area vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated:03.08.2020.

The Municipal commissioner stated that, as per the request made by the Executive Engineer, IB Division, Nagarkurnool vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572, Dated: 03.08.2020, notices were served on the encroachers to vacate/



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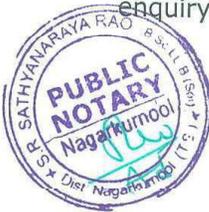
remove the encroachments vide file No. G/1116/ UC/NGKL/2020  
Dated: 26.11.2020 and pending the proceedings for taking  
action as per law.

All Saints High School in Sl.No.29 of Annexure-I of the first  
report of the Joint Committee, Sy.No.3 of Nagarkurnool Village  
of Nagarkurnool Mandal full structure falling in buffer zone in an  
extent of 1313.20 Sq. Yds.

The Executive Engineer, IB Division Nagarkurnool has requested the  
Municipal Commissioner Nagarkurnool and Revenue Divisional Officer,  
Nagarkurnool to issue notices to the encroachers to evacuate them  
from the FTL/ Buffer Zone area vide Letter No.  
DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated:03.08.2020.

The Revenue Divisional officer, Nagarkurnool has informed that no  
permissions have been accorded from agriculture land to non-  
agriculture land (NALA).

The Municipal Commissioner has informed that, as per the request  
made by the Executive Engineer, IB Division Nagarkurnool vide Letter  
No. DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated: 03.08.2020, notices  
were served to the encroachers to vacate/ remove the encroachments  
vide file No. G/1116/ UC/NGKL/2020 Dated: 26.11.2020. That the  
Sl.No.29 approached the Hon'ble High Court of Telangana and filed  
W.P.No.24243/2020, upon which Hon'ble High Court of Telangana has  
granted direction to the authorities including the District Collector,  
Nagarkurnool and Commissioner, Nagarkurnool Municipality,  
Dy.Executive Engineer (IB Div.), Irrigation Department, not to take  
any coercive steps against the petitioners and to pass appropriate  
orders after receiving explanation and pass orders on merits as such  
enquiry proceedings are pending.



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Sri Vishnumurthy in Sl.No30 in Annexure-I of the first report of the Joint Committee, Compound walls in Sy.No.3 of Nagarkurnool Village of Nagarkurnool Mandal part of structure falling in buffer zone in an extent of 193.75 Sq. Yds. The Executive Engineer, IB Division Nagarkurnool has requested the Municipal Commissioner Nagarkurnool and Revenue Divisional Officer, Nagarkurnool to issue notices to the encroachers to evacuate from the FTL/ Buffer zone area vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572, Dated:03.08.2020.

The Revenue Divisional Officer, Nagarkurnool stated that no permissions have been accorded from agriculture land to non-agriculture land (NALA).

The Municipal Commissioner has informed that, as per the request made by the Executive Engineer, IB Division Nagarkurnool vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572, dated: 03.08.2020, notices were served to the encroachers to vacate/ remove the encroachments vide file No. G/1116/ UC/NGKL/2020 Dated: 26.11.2020. Consequent upon the notices issued by the Municipal commissioner, they have approached Hon'ble High Court vide WP.No.21887/2020. The Hon'ble High Court ordered that till such time the final orders are passed the official respondents shall not take any coercive steps against the petitioners.

He along with others filed W.P.No.21887/2020 seeking to issue a Writ of Certiorari calling for the records pertaining to Notice dated 26.11.2020 served on the Petitioners 1 to 4 on 27.11.2020 in File No. G/1116/UC/NGKL/2020 in relation to A and B schedule land and also in relation to H.No.10-203/1/A issued to the 4<sup>th</sup> Petitioner and quash it being arbitrary and illegal. The Hon'ble High Court by order dated 3.12.2020 set aside the impugned order and with a direction to the Petitioners to submit fresh application and the respondents are directed to pass appropriate orders after hearing the Petitioners. As inquiry proceedings are pending.



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Smt G.Shalini, W/O G.Srinivas, Smt. R.Divya Sundara, W/o Srinivas Rao in Sl.No 31 of Annexure-I, Sy.No.39/E of Yendabetla Village of Nagarkurnool Mandal full structure falling in buffer zone in an extent of 235.84 Sq. Yds.

The Executive Engineer, IB Division Nagarkurnool has requested the Municipal Commissioner Nagarkurnool and Revenue Divisional Officer, Nagarkurnool to issue notices to the encroachers to evacuate from the FTL/ Buffer zone area vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated: 03.08.2020.

The Revenue Divisional Officer, Nagarkurnool has earlier granted NALA permission vide Proc.No. A/2412/2019 dated: 19.10.2019 in respect of survey No.39 to an extent of Ac.2-00Gts. Subsequently the Revenue Divisional Officer addressed the District Collector for cancellation above NALA permission, due to the fact that the above survey number falling under Buffer zone of Kesarisamudram tank, Accordingly the District Collector, Nagarkurnool issued notices for cancellation of NALA permission vide Letter No. D1/1870/2019 Dt: 31.12.2019.

The aggrieved party viz., Shyamsunder approached the Hon'ble High Court, Hyderabad and filed a petition No.2596 of 2020 seeking to issue a Writ of Mandamus declaring the action of the respondents in interfering with the petitioner's possession over land admeasuring Ac 02.00 guntas in Sy. No. 39/ EE situated at Yendabetla Village Nagarkurnool Mandal and District. The said Writ Petition was disposed of by order dated 14.2.2020 with the following direction:



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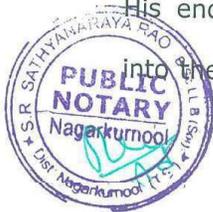
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"Learned Assistant Government Pleaders for Revenue and the Irrigation and Command Area Development submits that the entire land in Sy.No39 situated at Yendabetla village of Nagarkurnool mandal is coming under the buffer zone of Kesari Samudram Irrigation Tank situated at Nagarkurnool mandal and therefore, the impugned show notice has been issued. Learned counsel for the petitioners disputed the above submission of the learned Assistant Government Pleaders. Since it is stated that petitioners have already filed explanation on 13.01.2020 to the impugned show cause notice, without expressing any opinion on merits, writ petition is disposed of directing the 2nd respondent to consider the said explanation and pass appropriate orders in accordance with law. Till then, respondents shall not interfere with the possession of the petitioners over the subject land, and the petitioner also shall not carry out any activity other than agriculture."

The Municipal commissioner stated that, as per the request made by the Executive Engineer, IB Division Nagarkurnool vide Letter No. DIO/EEIB/NGKL/DB/TO/2020-21/572 Dated: 03.08.2020, notices were served to the encroachers to vacate/ remove the encroachments vide file No. G/1116/ UC/NGKL/2020 Dated: 26.11.2020. Challenging the same, the encroachers approached Hon'ble High Court vide WP.No.21887/2020. The Hon'ble High Court ordered that till such time the final orders are passed the official respondents shall not take any coercive steps against the Petitioners. As such enquiry proceedings are pending.

3. In reply to paras 4 and 5 of the O.A. under reply, it is submitted that on 4.5.2016, the Deputy Executive Engineer, I.B. Sub-Division, Nagarkurnool has lodged a complaint with the Police of Nagarkurnool P.S., stating that on his visit to Kesari Samudran tank, he observed that in many places soil is lifted and dumped in Sy.No.3 (located in FTL) for development of plots in the limits of Nagarkurnool district.

His enquiries revealed that one Shamsunder and others trespassed into the tank and damaged the tank by lifting the soil for the purpose



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of doing real estate business in the foreshore area of the tank. Basing on the said report, a case in Cr.No.120/2016 under Sections 379, 447, 427 r/w 34 IPC and Section 3 of P.D.P.P. Act was registered by the Police of Nagarkurnool and the investigation is taken up. The investigation done by the Police reveals that the accused M. Shyam Sunder and Md. Isaq have purchased Ac.3.20 gts of land in Sy.No.3 of Nagarkurnool town, in order to make the said land into plots and to sell them. As there are huge pits in the land, they decided to make level the land by filling the pits with soil, they engaged the JCB vehicles and tractors. After conducting investigation, charge sheet was filed against all the accused and is pending trial vide CC No.290/2016 on the file of JFCM, Nagarkurnool.

4. In reply to paras.6 to 8 of the O.A. under reply, it is submitted that the issue is with regard to the allegation made about the illegal constructions and laying of roads has been dealt with in the first report filed by the Joint Committee. The table indicating the particulars of encroachments is extracted below:



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Kesarisamudram Tank:

Encroachments in FTL									
Sl. No	Name of the occupier	H.No/Sy.No	Land Classification	Village	GPS Co-ordinates		Type of Structure	Remarks of irrigation Authorities	Remarks of Municipal Authorities
					East	North			
1	Sri.Syama Sunder	Sy.No. 3	Patta	Nagarurnool	0213258	1825326	Raising FTL area size (152.5x160 meters) Compound wall filled with soil	Structure is falling in FTL	Un-authorized /illegal layout
2	SriRajender	Sy.No. 16	Patta	Nagarurnool	0212351	1825462	Residential House size 16x10 meters) RCC Frame Works completed laid RCC Slab for Ground Floor and 1 <sup>st</sup> Floor)	Structure is falling in FTL	Un-authorized Construction
3	Sri.Vijay Kumar	Sy.No. 16	Patta	Nagarurnool	0212354	1825476	AC sheet roofing for Water Plant	Structure is falling in FTL	Un-authorized Construction



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							size (12x9.55 ) meters		
4	Sri.Md.Ja hangir  S/o.Jaffe r Ali	Sy.No. 39/E	Patt a	Yenda betla	02143 55	18264 58	Reinforce ment was erected for laying the RCC Columns, size (31x30) meters	Structure is falling in FTL	Un- authorized Constructi on, P.O&C.O Notices issued on 06.11.201 9, 26.11.201 9
5	Lay out	Sy. No. <del>27</del> to 40	Patt a	Uyala wada	02112 40	18262 53	Size (200x15 0) meters FTL for Raised with Soil for plotting	FTL area raised with soil platform for plotting  (near Navodaya college)	Un- authorized /illegal layout
6	Sri.Mirya laTirupat haiah	Sy.No. 156	Patt a	Cherla Thiru malap urTad oorMd l	21358 2	18250 81	Swimmin g Pool Compou nd size (20x39) meters	Falling in FTL.Tirum alapur village of TadurMan dal	Unauthor ised structure
7	Sri.Malis hettypap aiah	Sy.No. 17	Patt a	Nagar kurno ol	02121 96	18254 59	Foundati on raised up to basemen t level size 21mx17. m in FTL (near	Part of size 20.5 mx17.00 m in FTL and remaining structure falling in buffer	Unauthor ised structure



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							back side of Sowbaghya Garden)	zone (near back side of Sowbaghya Garden)	
Encroachments in Buffer Zone									
8	Sri. Palamur Raju S/o Thirupathiah	Sy.No. 16 Uyyalvada	Patt a	Uyala wada	0210981	1826522	All around the open plots (layout) Compound Wall was constructed part of the compound wall size (60x20) meters area is falling under buffer zone	Part of Compound wall (60 Mtrs)	Unauthorized layout
9	Smt. K Krishnamma	Sy.No. 23	Patt a	Nagar kurnool	0212349	1825493	30 meters of compound wall west side is falling under buffer zone (40X30) m	Part of compound wall falling under buffer zone	Unauthorized Construction Compound wall



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10	Sri. Shivaji	Sy.No. 16	Patt a	Nagar kurnool	0212336	1825420	part of Residential Building size (5x16.5) meters area is falling under buffer zone	Part of Building falling in Buffer Zone (5 mts width and 16.5 mts length)	Un-authorized Constructi on
11	Sowbhag yagarden compound wall	Sy.No. 360	Patt a	Nagar kurnool	0212193	1825439	All around the open plots (layout) Compound Wall was constructed part of the compound wall 56x8.5 meters area is falling under buffer zone	Part of compound wall (56 Mtrs) Falling in Buffer zone	Unauthori sed constructi on of compound wall

12	Sri. Madigala	Sy. No-15	Patt a	Nagar kurnool	0212502	1825402	Total Structure (15x9.5)	Full Structure falling	
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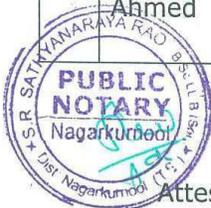


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	Gopal (M. Laxmi)			ol			meters falling under Buffer Zone	in Buffer Zone near Gurukula patasala	
13	SadvinUs man	H.No. 6-90	Gra maK anta m/ aba adi/ Villa ge site	Nagar kurno ol	021344 0	18250 74	Old House construct ed above 60 years part of house size (5x3.25) meters falling under Buffer Zone	Part of Building falling in Buffer Zone at R/s Weir Opposite (5 Mtrs)	Old House constructe d way back 60 years (propertie s tax entries made available from 1.4.1990)
14	Sri. Mukthar Ahmed  S/o. Dabil Ahmed	6-89	Gra maK anta m/ aba adi/ Villa ge site	Nagar kurno ol	021243 6	18250 63	Old House construct ed above 22 years part of house size (7x6) meters falling under Buffer Zone	Part of Building in Buffer Zone at R/s Weir Opposite (6 mtrs wide)	Old House constructe d way back 22 years (property tax particulars available from 1.4.1990 to 31.3.2001 in the name of Vazir Ahmed)
15	Sri. Mukthar Ahmed	6-88	Gra maK anta m/ aba adi/ Villa ge site	Nagar kurno ol	021345 2	18250 49	Old House construct ed above	Part of Building falling in Buffer	Old House constructe d way back 30



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	S/o. Dabil Ahmed		aba adi/ Villa ge site				30 years part of house size (7x6) meters falling under Buffer Zone	Zone at R/s Weir Opposite (6mtrs)	years (property tax particulars available from 1.4.1990 till 31.3.2001 . Name of Mohd. Shaik Sharfaraj was found from 28.2.2002 till date. Previously from 1.4.1990 to 27.3.2002 name of Dabir Ahmed was found)
16	Sri. ShaikSay ad	6-85	Gra maK anta m/ aba adi/ Villa ge site	Nagar kurno ol	021349 1	18250 57	Old House construct ed above 60 years part of house size (7x6) meters falling under Buffer	Part of Building falling in Buffer Zone at R/s Weir Opposite (6 mtrs wide)	Old' House constructe d way back 60 years (property tax particulars available from 1.4.1990 till date in the name of Asha



  
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							Zone		Begum)
17	Sri. ShaikUsmanbinUddhin	6-84	GramaKantam/abadi/Village site	Nagarkurnool	0213361	1825069	Old House constructed above 30 years part of house size (21x6) meters falling under Buffer Zone	Part of Building falling in Buffer Zone at R/s Weir Opposite (6 mtrs)	Old House constructed way back 30 years (property tax particulars available from 1.4.1990 till date in the name Shaik Abubakar bin Salambin Bawazir)
18	Sri.Moosa Masjid	Sy.No. 1	Patta	Nagarkurnool	0213593	1825010	Old House constructed above 500 years Total structure size (39x9) meters falling under Buffer Zone	Full Structure falling in Buffer Zone at R/s Weir Opposite (9 mtrswide)	Old Mosque constructed way back 500 years records not available
19	Govt Building	Sy.No. 16	Patta	Uyyalawada	0213470	1825176	Full Structure falling in Buffer Zone Z.P.P.	Full Structure falling in Buffer Zone Uyyalaw	



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*[Signature]*  
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							Building	ada vg	
20	Sri.DanugulaMasaiah S/o Savaraiah	1-40, Sy.No. 176	Govt Land	Yendabetla	0214613	1826062	House constructed way back 4 years Full Structure falling in Buffer Zone Size (9x7.3) meters	Full Structure falling in Buffer Zone Yendabetlavillage	Yendabetla GP building permission was given in the name Masaiah on 6.3.2008)
21	Sri.DanugulaChinnaMasaiah -S/o Savaraiah	1-41 Sy.No. 176	Govt Land	Yendabetla	0214606	1826073	House constructed way back 15 years Full Structure in Buffer Zone Size 6.7x6.6 meters	Full Structure falling in Buffer Zone Yendabetlavillage	Constructed way back 15 years (Yendabetla GP) building permission was given in the name D.Yellamma, S/O Savaraiah on 6.3.2008)
22	Sri. Danugula Karrenna S/o. Adavi Anna	1-43 Sy.No. 176	Govt Land	Yendabetla	0214611	1826083	House constructed way back 20 years full structure falling in Buffer Zone Size (9x5.8) meters	Full Structure in Buffer Zone Yendabetlavillage (above MWL level)	Constructed way back 20 years (Yendabetla GP) (Property tax entries made from 2012-13



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									till date in the name Dandugula Laxmamma, W/O Karrenna.
23	Sri. Danugul a Dasaratha S/o. Adaviamma	1-42 Sy.No. 176	Govt land	Yenda betla	0214612	1826079	House constructed way back 20 years full structure falling in Buffer Zone Size (9.2x5.4) meters	Full Structure falling in Buffer Zone Yendabeta village	Constructed way back 20 years (Yendabeta GP) property tax paid from 2012-13 till date of Dandugula Dasaratha m. S/O Adivanna
24	Sri. Pandumudagala S/o. Lakshmaiah	1-44 Sy.No. 176	Govt Land	Yenda betla	0214606	1826094	House constructed way back 2 years Part of structure falling in Buffer Zone Size (5.8 x16) meters	Full Structure falling in Buffer Zone Yendabeta village (16 meters wide)	Yendabeta GP Construction permission given on 23.12.2017 in the name of M. Pandurangaiah, S/O Lakshmaia



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									h
25	Sri.PasupulaLakshmaiah S/o Masaiah	1-61 Sy.No. 176	Govt Land	Yendabeta	021455 6	18261 45	House constructed way back 15 years Full Structure falling in Buffer Zone size (11x5.5) meters	Full Structure falling in Buffer Zone Yendabeta village (above MWL level)	Construct ed way back 15 years (Yendabeta GP) Constructi on permissio n was given on 5.3.2008 in the name of Vadde Pasupula Sayamma , W/O Masaiah
26	Sri.MakkalaKurmaiah,  Sri Makkala Masaiah S/o Yellaiah	1-58  1-60 Sy.No. 176	Govt Land	Yendabeta	021454 6	18261 25	House constructed way back 17 years Full Structure falling in Buffer Zone size 7.3x4 .7 meters	Full Structure falling in Buffer Zone Yendabeta village	Construct ed way back 17 years (Yendabeta GP) Patta Certificate issued in the name of Makkala Kurmaiah, S/O Yellaiah for an extent of 120 Sq.yards in



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									Sy.NO.17 6. Property tax receipt exists in the name Makkala Swamy, S/O Masaiah for H.No.1-60 from 2018 till date. And Makkala Srisailam, S/O Kurmaiah for H.No.1-58 from 2018 till date.
27	Pasupula Bhemu du S/o ChinnaK urmaiah	Sy.No. 176	Govt Land	Yenda betla	021455 8	18261 14	House construct ed way back 2 years Full Structure falling in Buffer Zone size (7.5x4) meters	Full Structur e falling in Buffer Zone Yendabe tla village (bove MWL level)	Yendabetl a GP Constructi on permissio n was given on 1.8.2018 in the name of Vadde Chinna Kuramaia h, S/O Venkana



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28	Urban Residential School	10-119/23 Sy.No. 3	Pattana	Nagarurnool	0213331	1825175	School Building Full Structure falling in Buffer Zone Size (47x19) meters	Full Structure falling in Buffer Zone	Constructed way back 20 years . As per property tax Register, property tax was collected from 1.4.2015 till date from D. Shankar and 4 others
29	All Saints High School	10-203/83 Sy.No. 3	Pattana	Nagarurnool	0213240	1825300	School Building Full Structure falling in Buffer Zone Size (61x18) meters	Full Structure falling in Buffer Zone (18 mtrs wide)	Constructed way back 20 years . Property tax collected from 1.4.2015 till date from Ram Joseph
30	Sri.N. Vishnumurthy	10-203/1/A Sy.No. 3	Pattana	Nagarurnool	0213231	1825287	Part compound wall size falling in Buffer Zone (18x9) meters	Full Structure falling in Buffer Zone (9 meters Wide)	Unauthorized Construction. Construction permission was given in 20.5.2003



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									. Property tax collected from 1.4.2015 till date in the name of N.Vishnu murthy
31	Smt. G. Shalini W/o G. Srinivas  Smt. R. Divyasundara W/o Srinivas Rao	Sy.No. 39/E	Patta	Yendabeta	0214383	1826470	Residential building Full Structure falling in Buffer Zone size (14.4x13.6) meters	Full Structure falling in Buffer Zone Yendabeta village	Provisional Order (1st) notice issued on 06.11.2019 vide no.G/Y2/UC/ngkl/19 owner is submitted G.P. Permission.

The above statement clearly indicates that the roads shown in the photograph filed by the Applicant are located in Sy.No.16, which is an illegal identified layout. In the said illegal layout, roads are laid, but not raising the tank bed about 6 meters with soil. In this regard a letter No.DIO/EEIB/NGKL/DB/TO/2020-21/572, dated 3.8.2020 was addressed to Revenue Divisional Officer, Nagarkurnool and Municipal Commissioner, Nagarkurnool Municipality to take action on the illegal layouts. As regards the allegation with regard to soil dumping and construction of Government buildings in



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FTL area is concerned, it is submitted that the Executive Engineer, Irrigation Division No.5, Nagarkurnool, vide Lr.No.EE/Divn No.5/DB/2020-21/116, dt.15.02.2021, reported that the Engineer in Chief irrigation(Hyderabad) permitted the agency to lift the Black Cotton Soils from the Kesari Samudram Tank for formation of the Vattem reservoir from Km 6.77 to Km 11.10. Accordingly the agency M/s.Navayuga Engineering Company Hyderabad excavated the Black Cotton Soil in tank bed area and laid soil at one place for easy transport. The tank was filled upto Full Tank Level due to heavy rains. The soil will be removed immediately after receding the water level in tank bed area so that machines/vehicles will be entered in the above said area.

The District Rural Development Officer, DRDA, Nagarkurnool, vide.Lr.No.EGS/Admin/2021,Dt.01.02.2021 reported that Mandal Mahila Samakhya building for Nagarkurnool Mandal titled "Construction. of BNREGSK building at Nagarkurnool" work was sanctioned with estimate cost of Rs.32.00 Lakhs (in words Rupees Thirty Two Lakhs Only) under MGNREGS Scheme.

Construction of Mandal Mahila Samakhya Building in Nagarkurnool mandal was proposed for Nagarkurnool Nagarapanchayat as the Nagarkurnool GP was converted as Nagarapanchayat in 2011 year. Due to Non-availability of Government land in and around Nagarkurnool town, Sri.E.Ramesh Goud S/o Balaraj



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Goud, Uyyalawada (V) of Nagarkurnool (M) donated 1008.33 square yards land in Sy.No.300/a1, 300/a2, 300/a3, 300/i1 & 300/i2 through land donation settlement agreement Dt.07.11.2016 for Construction MMS Building.

The Collector & Chairman, DRDA, Nagarkurnool permitted the construction of Mandal Mahila Samakhya Building at Uyyalawada (V) of Nagarkurnool (M) through MSK Mahila Sangham, Nagarkurnool vide Proceeding.No.N/211/EGS/MMS Building/2016-17,dated 09.02.2017 and the work was Completed in 2018.

Nagara Panchayat, Nagarkurnool was converted as Municipality and Uyyalawada village was merged in Nagarkurnool Municipality in 2018.

The Commissioner Municipality, Nagarkurnool has issued a notice for dismantling the Mandal Mahila Samakhya, Nagarkurnool Building which was constructed in FTL area of Kesari Samudram (Cheruvu) of Nagarkurnool Town and DRDA authorities addressed a letter to the Commissioner Panchayath Raj & Rural Development for issuing the necessary instructions which is awaited.

5. In reply to para.9 of the O.A., it is submitted that there is no dumping of soil wastes, releasing sewage into Kesari samudram tank damaging the flora and fauna of the tank. Only two incidents of soil dumping have come to the notice of the Department, basing on which Police complaints have been given.



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1) Cr.No.120/2016 under Sections 379, 447, 427 r/w 34 IPC and Section 3 of P.D.P.P. Act of Police of Nagarkurnool P.S.:

It is submitted that on 4.5.2016, the Deputy Executive Engineer, I.B. Sub-Division, Nagarkurnool has lodged a complaint with the Police of Nagarkurnool P.S., stating that on his visit to Kesari Samudran tank, he observed that in many places soil is lifted and dumped in Sy.No.3 (located in FTL) for development of plots in the limits of Nagarkurnool district. His enquiries revealed that one Shamsunder and others trespassed into the tank and damaged the tank by lifting the soil for the purpose of doing real estate business in the foreshore area of the tank. Basing on the said report, a case in Cr.No.120/2016 under Sections 379, 447, 427 r/w 34 IPC and Section 3 of P.D.P.P. Act was registered by the Police of Nagarkurnool and the investigation is taken up. The investigation done by the Police reveals that the accused M. Shyam Sunder and Md. Isaq have purchased Ac.3.20 gts of land in Sy.No.3 of Nagarkurnool town, in order to make the said land into plots and to sell them. As there are huge pits in the land, they decided to make level the land by filling the pits with soil, they engaged the JCB vehicles and tractors. After conducting investigation, chargesheet was filed against all the accused and is pending trial vide CC No.290/2016 on the file of JFCM, Nagarkurnool.

2) Cr.No.49/2021 u/s 430 IPC of Nagarkurnool P.S.

It is submitted that the Deputy Executive Engineer, I.B. Division, Nagar Kurnool lodged a complaint with Nagarkurnool P.S., on 8.2.2021 stating that the Asst. Executive Engineer has brought to his notice in



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the Nagarkurnool town limits, at Yendabetla to Cherla Itikyala road, in the village limits of Yendabetla in Sy.No.39, some unknown land owners have raised FTL/Bufferzone areas, due to which storage capacity of tank is decreased and requested the Police to take necessary action. Basing on the said complaint, a case in Cr.No.49/2021 is registered and the investigation is taken up.

In regard to damage to the other water bodies is concerned, it is submitted that the Asst. Executive Engineer, I.B. Sub-Division, Nagarkurnool lodged a complaint with the Police of Nagarkurnool P.S., stating that few days some unknown persons damaged the bund of ChowtaKunta (Tummalakunta) of Nellikonda village, Nagarkurnool district and requested to take necessary action. Basing on the said complaint, a case in Cr.No.176/2019 under Sections 447, 427 IPC and Section 3 of PDPP Act was registered and the investigation is taken up. During the course of investigation, it was established that one Raman Goud of Nellikonda village criminally trespassed into ChoutaKunta tank and damaged the bund. After completion of investigation, chargesheet was filed against the accused and the case is pending trial vide CC No.178/2020. As the case is pending trial, the action would be initiated for restoration of tank bund, after completion of trial in the above case.

It is submitted that on 10.12.2019 at 10.00 hrs the Asst, Executive Engineer, IB Sub-Division, Nagarkurnool has lodged a



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complaint stating that during his visit to Putnalakunta tank he observed that unknown persons have criminally trespassed into putnalakuntatanl and damaged the weir. In this case investigation was done by collecting the evidence ,the accused K.KrishnaReddy resident of Naganool village as his paddy fields were filled with water of PutnalaKunta tank,A2 driver of JCB vehicle damaged the weir. Notices u/s 41-A Cr.P.C were served to A1 and A2 charge sheet was filed and is under trial vide CC.No.90/2020. As the weir was restored immediately, the said fact was not inserted in the report of the Joint Inspection Committee.

In Putnaalakunta, Naganool village, it is noticed that, Sri A. Om Naveen Kumar S/o Shankaraiah and MD. Ishaq S/o MD. Jaffar both R/o. Nagarkurnool having forming bund approximately 450meters in FTL area. The case is under investigation for collection of evidence. an illegal formation of bund was observed in all around Patta lands within the FTL area of the Putnaala Kunta by unknown persons. In turn, the Irrigation Department has lodged a complaint in Police Station, Nagarkurnool vide FIR No.240/2020, dated 01.08.2020 for enquiry as the formation of illegal bund within the FTL area reduces the capacity of tank and also it can also be seen as an encroachment.The Police authorities informed vide their letter No. Pet-SDON/2020, Dated.04.12.2020 that charge sheet filed against the accused and the case is pending trial vide CC.No.90/2020.



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6. In reply to paras.10 and 11 of the O.A., it is submitted that as there are Court cases with regard to Sy.No.39/E, 3, 15, the action could not be initiated. The action would be initiated as soon as disposal of the Court cases. It is submitted as per G.O.Ms.No.168, dated 7.4.2012, action could be initiated only after the encroachments in the FTL/Buffer Zone only after 2012 i.e., after coming into force of AP. Building Rules,2012. The details of Court Case are mentioned in the second report and it may be read as part of this Counter Affidavit. The Rules issued under G.O.Ms.No.168, dated 7.4.2012 are applicable to the Gram Panchayat areas covered in Master Plan/General Town Planning Schemes notified under A.P. Town Planning Act. In this connection, it is submitted Yendubatla and Vuuyalawada Gram Panchayats consisting Vuuyalawada, Naganool and Yendabatla, Deshitikyol have been merged Nagarkurnool Municipality in the year 2018 vide Telangana Gazette No.11, Part.IV-B, Extraordinary, dated 30.3.2018. As such, encroachments made in those villages after 1.4.2018 will be taken into consideration.



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**Dist. Collector & Magistrate**  
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8. I reserve my right to file Additional Counter Affidavit, if necessary.
9. It is to submit that the subject matter of the Sl.No.1 to 31 alleged encroachers and the subject matter pending before the hon'ble High Court of Telangana, and directions given by the Hon'ble High Court of Telangana under various W.P.s as submitted above, with regard to the subject matter involved before this hon'ble tribunal are one and the same, as such the action will be taken as per the directions of the hon'ble High court of Telangana, to avoid legal complications in between various departments involved in the subject matter on the alleged encroachments in due course of time, as per law. Further it is to submit that as far as the pollution is concerned the Government has already taken action plan to avoid pollution as alleged by the petitioner. That the officials respondents are in diligent in performing their duties as per law, and the present petition is devoid of merits, and is liable to be dismissed in limini.
10. For the reasons stated above, I pray that this Hon'ble Tribunal may be pleased to dismiss the O.A. and pass such other or further orders as are deemed fit and proper.

*Deel*

Deponent

Sworn and signed before me on this  
1<sup>st</sup> day of April, 2021 at Nagarkurnool.

Dist. Collector & Magistrate  
Nagarkurnool Dist.

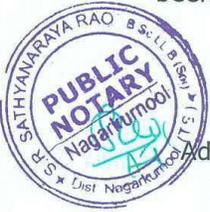
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VERIFICATION

Verified on this the 1<sup>st</sup> day of April, 2021 that the contents of the affidavit are true and correct. No part of it is false and nothing material has been concealed there from.



Advocate

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BEFORE THE NATIONAL GREEN  
TRIBUNAL: SOUTHERN BENCH AT  
CHENNAI

ORIGINAL APPLICATION  
NO.182/2020

In the matter of:

Dr. Nagam Janardhan Reddy and  
others .. Applicants

And

State of Telangana and others  
.. Respondents

COUNTER AFFIDAVIT FILED ON  
BEHALF OF RESPONDENTS

Filed on : 01.4.2021.

Filed by:

M/s Addl.Advocate-General,

A.Sanjeev Kumar &

Yasmeen Ali

Counsel for Respondents 1 to 2 and 4 to 7