

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE BENCH CHENNAI  
MEMORANDUM OF APPLICATION**

**O.A. No.156 of 2020**

**BETWEEN:**

1. Avilala Cheruvu Parirakshana Samiti  
Represented by its Convener Akula Satish Kumar,  
Door No.37, AGK Buildings, Gandhi Road,  
Tirupati, Chittoor District,  
Andhra Pradesh-517 501.  
Phone No.9789052084  
Email id: [taaurs@gmail.com](mailto:taaurs@gmail.com)
2. Swarnamukhi Bachavo Andolan Samiti  
Represented by its President B. MohanaKrishna,  
Plot No.117, L.S. Nagar, Tirupati,  
Chittoor District, Andhra Pradesh-517 501.  
Phone No.9789052084.  
Email id: [taaurs@gamil.com](mailto:taaurs@gamil.com) ..... Applicants

Versus

1. State of Andhra Pradesh  
Rep. by its Chief Secretary,  
Department Building #1, 1<sup>st</sup> Floor, A.S. Secretariat,  
Velagapudi, Amaravati, Guntur District-522 503.  
Phone No.0866 2530665, 0863 2446641  
Email id: [cs@ap.gov.in](mailto:cs@ap.gov.in)
2. The Special Chief Secretary to Government,  
(Minor, Medium and Major Irrigation),  
4<sup>th</sup> Block, 1<sup>st</sup> Floor, Room No.216,  
A.P. Secretariat Office,  
Velagapudi, Guntur District-522 237.  
Phone No.0863 2444248  
Email id: [splcs-wrd@ap.gov.in](mailto:splcs-wrd@ap.gov.in), [psdwrap15@gamil.com](mailto:psdwrap15@gamil.com)
3. The Principal Chief Conservator of Forests & Head of Forest,  
Aranya Bhavan, K.M. Munshi Road,  
Nagarampalem, Guntur-522 004,  
Andhra Pradesh,  
Phone No.0863 2377501/502  
Email id: [prlccf hf apfd@ap.gov.in](mailto:prlccf hf apfd@ap.gov.in)
4. The District Collector,  
New Collectorate Office of Chittoor,  
Chittoor District,  
Phone No.9491077001, 08572240333.  
Email id: [collectorchittoor@gmail.com](mailto:collectorchittoor@gmail.com)

  
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ADVOCATE  
19-4-149/66, Bhagat Singh Colony,  
TIRUPATHI - 517 501  
9789052084 AP/958/2000

  
EXECUTIVE ENGINEER, W.R. DEPT.  
IRRIGATION DIVISION, TIRUPATI

5. The Superintending Engineer, Irrigation Circle,  
Water Resources Department,  
Bangalore Road, Near DEO Office,  
Chittoor Town and District.  
Phone No.4023452411, 9440814821.  
Email id: [seirrigationchittoor@gmail.com](mailto:seirrigationchittoor@gmail.com)
6. The Executive Engineer,  
Irrigation Division,  
Alipiri Road,  
Tirupati,  
Phone No.0866 2436217  
Email id: [eeirrigationtirupati@gmail.com](mailto:eeirrigationtirupati@gmail.com)
7. The Vice Chairman,  
Tirupati Urban Development Authority,  
Tataiahgunta, Tirupati, Chittoor District,  
Andhra Pradesh-517 501.  
Phone No.: 0877 2225730, Mobile: 9121616679.  
Email id: [secretarytida@gmail.com](mailto:secretarytida@gmail.com)
8. The Executive Officer,  
Tirumala Tirupathi Devasthanam,  
TTD Administrative Building, K.T. Road,  
Tirupati-517 501, Andhra Pradesh,  
Phone No.18004254141, +91-877-2277777  
Email id: [eottd@tirumala.org](mailto:eottd@tirumala.org)
9. The Project Officer,  
Garuda Varadhi,  
Tirupati Smart City Project,  
Survey No.9/IDIC3, Adjacent to Srinivasa Complex,  
Tirupati, Andhra Pradesh. .... Respondents

**COUNTER AFFIDAVIT FILED BY THE 6<sup>TH</sup> RESPONDENT**

I, J. Venkata Siva Reddy, Son of J. Reddappareddy, Hindu, aged about 54 years, working as Assistant Engineer, Irrigation Division, Tirupati, R/o. Tirupati, do hereby solemnly affirm and sincerely state as follows:

1. I am the 6<sup>th</sup> respondent herein and as such I am well acquainted with the facts of the case. I am filing this counter affidavit on my behalf and on behalf of the 2<sup>nd</sup> and 5<sup>th</sup> respondents also.

2. I submit that I have read the affidavit filed in support of the Writ Petition and deny all the averments of the affidavit except to the extent which is specifically admitted hereunder and the petitioners are put to strict proof of all averments which are denied.

  
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3. With regard to the averment made in paragraph 1 of the affidavit, it is submitted that, "Avilala Cheruvu" is a water body located at Avilala Village, Tirupati Rural Mandal of Andhra Pradesh. The tank is spread in the survey Nos.17, 18/1, 18/2 and 19 of Avilala Village, Tirupati Rural Mandal, Chittoor District, and has an extent of 201.62 acres.

4. With regard to the averment made in paragraph 2 of the affidavit, it is submitted that, in 1994, the Avilala Cheruvu tank was alienated to Tirupati Urban Development Authority and Andhra Pradesh Housing Board, vide G.O.Ms. No.84, Revenue Department, dated 28.01.1994. Challenging the said G.O., a Writ Petition in W.P. No.8650 of 1994 was preferred by a registered society, the Intellectuals Forum. On dismissal of the said writ petition, a Special Leave Petition was preferred in Appeal (Civil) No.1251 of 2006. On 23.02.2006 the Hon'ble Apex Court was pleased to dispose the Appeal with the following directions:

".... With regard to Avilala Tank:

- (i) No further construction to be allowed in the area.
- (ii) Each house already constructed by the APHB/TUDA must provide structure for roof top rainwater harvesting. All the storm water in the already built colonies to be recharged to ground water. Structures for such purposes to be designed in consultation with the CGWB.
- (iii) No borewell/tubewell for any purpose to be allowed in the area.
- (iv) An area of 40 acres presently reserved for the Government should not be developed in any way that may lead to concretization of the ground surface. Recharge structures to be constructed for rainwater harvesting.
- (v) Piezometers to be set up at selected locations, in consultation with the CGWB to observe the impact of rainwater harvesting in the area on groundwater regime.

5. With regard to the averment made in paragraph 3 of the affidavit, it is submitted that the 8<sup>th</sup> respondent has taken permission from the 5<sup>th</sup> respondent vide letter No.DB/SO2/W-25/1506M, dated 26.12.2015 to

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undertake the activity of beautification of the Avilala Tank, with a specific condition of not to change the morphology of the tank.

6. With regard to the averment made in paragraph 4 of the affidavit, it is submitted that the para pertains to TTD, Tirupati and hence no remarks submitted.

7. With regard to the averment made in paragraph 5 of the affidavit, it is submitted that Sri. A. Satishkumar of Tirupati has reported the Superintending Engineer, Irrigation Circle, Chittoor stating that construction activity is being taken up in the Avilala Cheruvu and requested to stop the construction activity. In response the Superintending Engineer has informed him that the Executive Officer, TTD, Tirupati was requested to stop the construction activity being taken up in the Avilala Tank.

8. With regard to the averment made in paragraph 6 of the affidavit, it is submitted that the 5<sup>th</sup> respondent vide letter No.SE/IC/CTR/DB/T.4/ATO, W.25/739M, dated 07.08.2019 has requested the 8<sup>th</sup> respondent not to take up any permanent structures in the Avilala Tank and also to regain the tank to its original morphology and also apprised that, violation of the condition/changing the morphology of the tank leads to the legal complications to be faced by all the concerned departments. The Xerox copy of the letter is herewith enclosed for ready reference as **ANNEXURE-1**. The Superintending Engineer, Irrigation Circle, Chittoor has addressed a letter to the 8<sup>th</sup> respondent vide letter No.SE/IC/CTR/DB/T4/ATO/W.25/921M, dated 09.10.2019 and requested not to take up any permanent structures in the foreshore area of the Avilala Tank and regain the tank to its original morphology as per the judgment pronounced by the Hon'ble Supreme Court of India in SLP No.7196-797 of 2001 dated 23.02.2006. The Xerox copy of the letter is herewith enclosed for ready reference as **ANNEXURE-2**.

9. With regard to the averment made in paragraph 7 of the affidavit, it is submitted that the 5<sup>th</sup> respondent has given permission for beautification of the tank without changing morphology of the tank.

10. With regard to the averment made in paragraph 8 of the affidavit, it is submitted that the 9<sup>th</sup> respondent had been using the water body on the southern side for storage of fabrication materials. The stored fabrication materials are used in connection of "Garuda Vardhi Project" and the same have

  
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no connection to the beautification of Avilala Tank. The 9<sup>th</sup> respondent had entered into an agreement with the 7<sup>th</sup> respondent. Permission was not accorded by the Water Resources Department to either TUDA or Garuda Vardhi Project for using part of the Avilala Tank as storage yard of fabrication materials. The copy of the letter of TUDA, Tirupati Roc Nol.2069/A1/2006 dated 13.04.2019 is herewith enclosed as **ANNEXURE-3**.

11. With regard to the averment made in paragraph 9 of the affidavit, it is submitted that the Water Resources Department has not given any clearance or permission to the 8<sup>th</sup> respondent for the impugned construction, viz., Sri Venkateswara Spiritual Theme Park, in Avilala Cheruvu tank and there is permission to beautify the tank only without changing its morphology.

12. It is submitted that this respondent craves leave of this Hon'ble Tribunal to raise additional counter in the course of proceedings, if required.

13. In the above said circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above Original Application No.156 of 2020 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.

Solemnly affirmed at Tirupati,  
on this the 12<sup>th</sup> day of March, 2021  
and signed his name in my presence.

  
EXECUTIVE ENGINEER, W.R. DEPT.  
IRRIGATION DIVISION, TIRUPATI

  
AVOCATE, TIRUPATI.  
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