

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SITTING AT
CHENNAI**

(filed under section 18 (1) read with section 15 of NGT Act, 2010)

I.A No.71 of 2020 (SZ)

In

Appln.No.166 of 2020 (SZ)

Between:

Irugu Ramesh
S/o. Late Mr. Danavaiah
4th cross street, Rayal Nagar
Tirupathi -517 501. Rameshirugu22@gmail.com,
Mobile No.9492660239

.....Petitioner / Applicant

And

1. Union of India
rep. by its Secretary to Government
Ministry of Environment, Forest & Climate Change
New Delhi - 110 003, secy-moef@nic.in, ph:011 24695265
2. The State of Andhra Pradesh
rep.by Special Chief Secretary to Government
Environment, Forest, Science & Technology Dept.
4th Block, Ground Floor, Room no.268
A.P., Secretariat Office, Penumaka-Amaravathi Road. Velagapudi
Andhra Pradesh - 524 001, splcs_efst@ap.gov.in, ph:0863-2444438
3. The Collector & District Magistrate cum Chairman
Pulicat ESZ Monitoring Committee
SPSR Nellore District, Nellore-524 001
Collector nlr@ap.gov.in, ph:0861-2331999
4. The Revenue Divisional Officer,
Naidupet Division, Nellore District
nptrdo@gmail.com, Ph:9963474102
5. M/s Lakshmi Bhoomi Developers & Promoters Pvt.Ltd
rep by its Managing Director Mr.K.J.Suwresh
No.171, 'L,' Street, Dream Meadows,
Kundalahalli, Doddanekkundi,
Bengaluru-560 037
info@lakshmbhoomi.com, ph:086-23243933

.....Respondents / Applicants

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.2

I, P.V.Chalapathi Rao, S/o P.Laxmaiah, aged 52 years, Occ: Special Secretary to Government, Environment, Forests, Science and Technology Department, Government of Andhra Pradesh, R/o Krishna District, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am working as Special Secretary to Government, Environment, Forests, Science and Technology Department, Government of A.P and as such I am well acquainted with the facts of the case. I have been authorised to file counter affidavit on behalf of Respondent No.2. I deny all the averments made by the petitioner in his affidavit except those that are specifically admitted herein.

N. Jagadeeswarai
ATTESTOR
Section Officer,

Environment, Forests, Science & Technology (II) Department,
A. P. Secretariat, Velagapudi,
Amaravati-522503


DEPONENT
Special Secretary to Government,
Environment, Forests, Science & Technology Department,
A. P. Secretariat, Velagapudi,
Amaravati-522503

2. In reply to paras 1 to 3 of the affidavit of the petitioner, it is submitted that Ministry of Environment, Forest & Climate Change, Government of India issued Notification dt:26-06-2015 in the Gazette of India, notifying an area of two kilometers from North to South all along the Western boundary of the Pulicat Bird Sanctuary in the State of Andhra Pradesh as an Eco-Sensitive Zone (ESZ). The Notification gives details of prohibited activities, regulated activities and promoted activities. A Monitoring Committee under the Chairmanship of the District Collector, Nellore is constituted for monitoring the compliance to the provisions of the Notification.

3. In reply to paras 4 to 8 of the affidavit of the petitioner, it is submitted that the lands mentioned in the affidavit pertaining to the Tada Kandriga village are located within the Eco-Sensitive Zone as per the field verification done by the officials of Forest & Revenue Departments. It is submitted that the construction activity is in the category of regulated activities mentioned in the said notification and the Monitoring Committee shall scrutinize the activities on the actual site-specific conditions and refer to the Central Government in the Ministry of Environment, Forest & Climate Change for prior Environment Clearance. Further, directions in the matter would be given by the Monitoring Committee as per existing rules and guidelines. In view of the facts submitted above this Hon'ble Tribunal may be pleased to pass such orders as deemed fit in the interest of justice.

Solemnly affirmed at Amaravathi
Guntur on this th day of October
2020 and signed his name in my
Presence.


DEPONENT
Special Secretary to Government,
Environment, Forests, Science & Technology Department,
A. P. Secretariat, Velagapudi,
Amaravati-522503

N. Jagadeeswaru
ATTESTOR
Section Officer,
Environment, Forests, Science & Technology () Department,
A. P. Secretariat, Velagapudi,
Amaravati-522503

VERIFICATION

I, P.V.Chalapathi Rao, S/o. P.Laxmaiah, aged 52 years, Occ: Special Secretary to Government, Environment, Forests, Science and Technology Department, Government of Andhra Pradesh, R/o Krishna District, deponent herein, do hereby verify and state that the contents set out in the Counter Affidavit are based on records and are believed to be true and correct.

Hence, verified on this the th day of October, 2020.

Counsel for Respondents


DEPONENT
Special Secretary to Government,
Environment, Forests, Science & Technology Department,
A. P. Secretariat, Velagapudi,
Amaravati-522503