

**In the Court of Hon'ble National Tribunal
Southern Zone, Chennai**

O. A. No. 195 of 2020 (SZ)

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Madhuri Donti Reddy

**M/s.MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR AP POLLUTION CONTROL BOARD
GOVERNMENT OF ANDHRA PRADESH
No.220, New Addl. Law Chambers, High Court Buildings,
Chennai - 600 104. Cell : 9840798460

Counsel for 6th Respondent

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE) AT CHENNAI

O. A. No. 195 of 2020 (SZ)

Between

Sri Putta Sudhakar Yadav,
Ex - TTD Board Chairman,
Proddatur,
Kadapa District.

... Applicant

AND

1. The Chief Secretary,
State of Andhra Pradesh,
Building #1, 1st Floor,
Interim Government Complex
AP Secretariat, Velagapudi,
Guntur, Andhra Pradesh – 522503.
2. The Special Chief Secretary,
EFS & T, Govt. of Andhra Pradesh,
Aranya Bhavan, K. M. Munshi Road,
Nagarampalem, Guntur – 522 004
Andhra Pradesh.
3. The Prl. Chief Conservator of Forests
(Head of Forest Force)
State of Andhra Pradesh,
Aranya Bhavan, K. M. Munshi Road,
Nagarampalem, Guntur – 522 004
Andhra Pradesh.
4. The Principal Secretary,
Revenue Department
State of Andhra Pradesh,
AP Secretariat, Velagapudi,
Guntur, Andhra Pradesh – 522503.
5. The District Collector,
YSR District, Kadapa
Andhra Pradesh – 516 001
6. The Divisional Forest Officer,
Proddatur (WL) Division,
Forest Complex, Yerraguntla Road,
Proddatur, YSR Kadapa District – 516 360


ATTESTOR
FOREST RANGE OFFICER
PRODDATUR.


DEPONENT
Divisional Forest Officer
Proddatur (WL) Division

7. The Mandal Revenue Officer,
Mydukur Mandal,
Mydukur – Badvel Rd;
S. Mydukur, Andhra Pradesh – 516 172

8. Union of India,
Ministry of Environment and Forests (EF &CC),
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi – 110003

.... Respondents

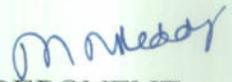
COUNTER AFFIDAVIT FILED BY 6TH RESPONDENT

I, M. Nagarjuna Reddy, S/o M. Sessa Reddy, aged about 56 years, working as the Divisional Forest Officer, Proddatur (WL) Division, YSR Kadapa District, do hereby solemnly, affirm and sincerely state on oath as follows.

1. I submit that I am working as the Divisional Forest Officer, Proddatur (WL) Division, YSR Kadapa District and I am the 6th Respondent herein and as such I am well acquainted with the facts of the case and I am filing this counter affidavit. I have perused the affidavit filed by the petitioner and I deny all the allegations made therein except those that are specifically admitted hereunder.

2. I state that, the lands in Survey Nos. 506-B and 507 situated at Nadyalampet Village are classified as Forests as per RSR of Nandyalampet Village, Mydukur Mandal. As per adangal downloaded from Meebhoomi portal the above lands are shown as Reserve Forest. These are not notified forests. These survey numbers are not part of Reserve Forest in Nagasanipalli Beat of Proddatur Range, Proddatur (WL) Division and hence they are not under the direct control of Forest


ATTESTOR
FOREST RANGE OFFICER
PRODDATUR. →

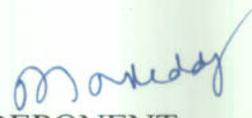

DEPONENT
Divisional Forest Officer
Proddatur (WL) Division

Department for its protection and conservation. (Enclosed copy of adangal downloaded from Meebhoomi portal and RSR for Sy. No. 506-B and 507 of Nandyalampet Village – **Annexure – I & II**)

The term "Forest Land" mentioned in Section 2 of the Forest (Conservation) Act, 1980 (Annexure – III) refers to Reserved Forest, Protected Forest or any area recorded as forest in the Government Records. All proposals for diversion of such areas to any non-forest purpose, even if the area is privately owned, would require the prior approval of the Central Government.

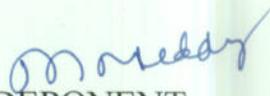
3. I state that, the lands in question are under the control of Revenue Department, which may have to initiate necessary remedial measures. These survey numbers are not part of Lankamala Reserve Forest or Lankamala Wildlife Sanctuary or Tiger Corridor.
4. I state that, the fact of encroachment into Government lands classified as Forests in survey Nos. 506-B and 507 of Nadyalampet Village, Mydukur Mandal is not known to the Forest Department. These lands are adjacent to Lankamalla Reserve Forest under section 16 of Madras Forest Act 1882 (**Annexure – IV**) and Machupalli Forest Block notified under section 4 of AP Forest Act 1967 (**Annexure – V**).


ATTESTOR
FOREST RANGE OFFICER
PRODDATUR.


DEPONENT
Divisional Forest Officer
Proddatur (WL) Division

5. I further state that, to determine whether the lands in survey No. 506-B, 507 of Nandyalampet Village, Mydukur Mandal are falling in any notified forests, then a joint survey by Forest, Revenue and Survey & Land Records is proposed to be taken up, if un-authorized persons are occupying Government lands action will be taken as per the appropriate laws applicable.

I therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the above application as the same is devoid of merits and pass such other orders as deemed fit in the interest of justice.


DEPONENT
Divisional Forest Officer
Proddatur (WL) Division

Solemnly affirmed at AP on
this 16th day of November 2020
and signed here in my presence.

Before me

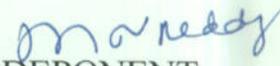

ATTESTOR
FOREST RANGE OFFICER
PRODDATUR.

VERIFICATION

I, M. Nagarjuna Reddy, SFS, S/o M. Sessa Reddy, aged about 56 years,
Occ : Divisional Forest Officer, Proddatur (WL) Division, Proddatur, YSR
Kadapa District, AP do hereby verify and state that the contents set out in the
above Affidavit are based on records and are believed to be true and correct.
Hence, verified at Proddatur on this 16th day November 2020.



**ATTESTOR
FOREST RANGE OFFICER
PRODDATUR.**



**DEPONENT
Divisional Forest Officer
Proddatur (WL) Division**

Re-Survey and Peo-Settlement Register of the ...
 గణప జిల్లా ప్రభుత్వం లోని రెవెన్యూ, పే. 51/1, ...

Nanjyalampeta, No. 51/1, Proddatur Taluk, Cuddapah District.
 గణప జిల్లా ప్రభుత్వం లోని రెవెన్యూ, పే. 51/1, ...

1	2	3	4	5	6	7	8	9	10		11	12	13	14	15	16	17
									10	11							
486			G	P										6 53			Road
487			G	D		7-2			10	0 8				6 33	3 3	617	Vaundarypalle Madirigadu and others
488			G	D		7-2			10	0 8				1 96	1 0		
489			G	D		7-2			10	0 8				3 48	1 12		
490 A, B			G	D		7-2			10	0 8				3 14	1 0		
491			G	D		8-2			11	0 4				6 8	1 8		
492			G	D		8-2			11	0 4				3 3	0 12	195	Chinnadidi
493			G	D		8-2			11	0 4				7 87	1 15		
494			I	D		8-2			11	0 4				3 11	0 12		Potter
495			G	D		8-2			11	0 4				8 59	2 2		
496			I	D		8-2			11	0 4				3 23	0 13		Washerman
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498			G	D		6-2			11	0 4				3 24	0 18		
499			I	D		8-2			11	0 4				3 46	0 14	2657	Payneni Rosigadu
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501			I	D		8-2			11	0 4				5 24	1 5		Cobbler
502			G	D		8-2			11	0 4				7 21	1 13	231	Mudumala Lashimreddigari Balayya
503, 500/1			G	P		8-2			11	0 4				153 50			
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506			G	D		8-2			11	0 4				92 58			
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ఆంధ్ర ప్రదేశ్ ప్రభుత్వము, రెవిన్యూ శాఖ
భూమి రికార్డుల వివరములు
పట్టాదారుని అడంగలు

జిల్లా పేరు : కడప
గ్రామం పేరు: నంద్యాలంపేట

మండలం పేరు : యస్ మైదుకూరు
విస్తీర్ణం యూనిట్లు : ఎకరములు / సెంట్లు

వరుస సంఖ్య (1)	సర్వే నెం (2)	పూర్తి విస్తీర్ణం (3)	సాగుకు పనికి రాని విస్తీర్ణం (4)	సాగుకు పనికి వచ్చు విస్తీర్ణం (5)	భూమి స్వభావం (6)	శిస్తు (రూ.) (7)	భూమి వివరణ (8)	జలాధారము (9)	ఆయకట్టు విస్తీర్ణం (10)	ఖాతా నెంబరు (11)	పట్టాదారు పేరు (తండ్రి/భర్త పేరు) (12)	అనుభవ దారు పేరు (తండ్రి/భర్త పేరు) (13)	అనుభవ విస్తీర్ణం (14)	అనుభవ స్వభావం (15)	రిమార్కులు (16)
1	506-B	38.9400	38.9400	0.0000	రిజర్వ్ ఫారెస్ట్	0.00	ఫారెస్ట్	వర్షం	0.0000	20000401	ఫారెస్ట్ (ఫారెస్ట్)	ఫారెస్ట్ (ఫారెస్ట్)	38.9400	ప్రభుత్వము	

ఈ రెవిన్యూ రికార్డు ను మీ భూమి నెబ్ నైట్ నుండి, 02/11/2020 17:04:04 IP number : 43.249.227.226 ద్వారా ప్రింట్ చేయబడినది.

The information contained made available through this web site is for information only and cannot be utilised as certified/authenticated copy for producing in any court or for enforcing any legal claims etc. under the existing relevant Acts/Rules framed by the Government of Andhra Pradesh in this context.

Abhishek
Prasad
Divisional Forest Officer
Proddatur (WL) Division

ఆంధ్ర ప్రదేశ్ ప్రభుత్వము, రెవిన్యూ శాఖ
భూమి రికార్డుల వివరములు
పట్టాదారుని అడంగలు

జిల్లా పేరు: కడప
గ్రామం పేరు: నంద్యాలంపేట

మండలం పేరు: యస్. మైదుకూరు
విస్తీర్ణం యూనిట్లు: ఎకరములు / సెంట్లు

వరుస సంఖ్య (1)	సర్వే నెం (2)	పూర్తి విస్తీర్ణం (3)	సాగుకు పనికి రాని విస్తీర్ణం (4)	సాగుకు పనికి వచ్చు విస్తీర్ణం (5)	భూమి స్వభావం (6)	శిస్తు (రూ.) (7)	భూమి వివరణ (8)	జలాధారము (9)	ఆయకట్టు విస్తీర్ణం (10)	ఖాతా నెంబరు (11)	పట్టాదారు పేరు (తండ్రి/భర్త పేరు) (12)	అనుభవ దారు పేరు (తండ్రి/భర్త పేరు) (13)	అనుభవ విస్తీర్ణం (14)	అనుభవ స్వభావం (15)	రిమార్కులు (16)
1	507	267.5600	0.0000	267.5600	రిజర్వ్ ఫార్వెస్ట్	0.00	ఫార్వెస్ట్	వర్షం	0.00000	20000401	ఫార్వెస్ట్ (ఫార్వెస్ట్)	ఫార్వెస్ట్ (ఫార్వెస్ట్)	267.5600	ప్రభుత్వము	

ఈ రెవిన్యూ రికార్డు ను మీ భూమి వెబ్ సైట్ నుండి, 02/11/2020 17:04:51 IP number : 43.249.227.226 ద్వారా ప్రింట్ చేయబడినది.

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Arundha
Prasad

Divisional Forest Officer
Proddatur (WL) Division

**PART - C
CHAPTER I**

Application of Forest (Conservation) Act, 1980

1.1. Definition

- i) The term "Forest land" mentioned in Section 2 of the Act refers to reserved forest, protected forest or any area recorded as forest in the Government records. Lands which are notified under Section 4 of the Indian Forest Act would also come within the purview of the Act. (Supreme Court's Judgment in NTPC's case). It would also include "Forest" as understood in the dictionary sense. (Supreme Court order dated: 12.12.1996 in WP No. 202/1995 - Annexure-I). All proposals for diversions of such areas to any non-forest purpose, irrespective of its ownership, would require the prior approval of the Central Government.

Clarification:- The term "forest" shall not be applicable to the plantations raised on private lands, except notified private forests. However, felling of trees in these private plantations shall be governed by various State Acts and Rules. Felling of trees in notified private forests will be as per the working plan/management plan duly approved by Government of India.

- ii) The term "tree" for the purpose of this Act will have the same meaning as defined in Section 2 of the Indian Forest Act, 1927 or any other Forest Act, which may be in force in the forest area under question.

1.2. Clarifications

- i) The cases in which specific orders for de-reservation or diversion of forest areas in connection with any project were issued by the State Government prior to 25.10.1980, need not be referred to the Central Government. However, in cases where only administrative approval for the project was issued without specific orders regarding dereservation and/ or diversion of forest lands, a prior approval of the Central Government would be necessary.
- ii) Harvesting of fodder grasses, legumes etc., which grow naturally in forest areas, without removal of the tree growth, will not require prior approval of the Central Government. However, lease of such areas to any organization or individual would necessarily require approval under the Act.
- iii) The forest policy, as well as provisions of the Forest (Conservation) Act, 1980 do not interfere in any manner or restrict the Nistar, recorded rights, concessions and privileges of the local people for bonafide domestic use as granted by the State Governments under Indian Forest Act, 1927 or State Forest Acts/ Regulations. However, it has to be ensured that while allowing such rights, concessions and privileges to be exercised, the right holders do not resort to felling of trees or break up the forest floor so as to procure stones, minerals, or take up constructions, etc. The forest produce so obtained shall not be utilized for any commercial purposes.

The collection of such forest produce should be manual and should be transported through local modes or transport like bullock carts, camel carts, etc. and no mechanized vehicles shall be allowed to be used in transporting such forest produce and only in exceptional cases with the approval of concerned Divisional Forest Officers, tractors mounted with trolley may be used.

Aditya
20/05/2017
Divisional Forest Officer
Proddatur (WL) Division

Copy of

Notification of Lankamala RF under Section 16
of Madras Forest Act 1882

Board of Revenue (Land Revenue) 14th January 1893, Forest No. 13

PROCEEDINGS OF THE BOARD OF REVENUE (LAND REVENUE)

Read :- the following Government order, dated 6th December 1892, Nos. 1214, 1214A, Revenue

Read :- Proceedings of the Board of Revenue (Land Revenue) dated 1st November 1892, Forest No. 607.

ABSTRACT :- Submitting to Government, for approval and publication, a draft notification under section 16 of Act V of 1882 for constituting the Lankamalai Block in the Cuddapah District as a reserved forest, and another under section 4 for constitution of its extension as a proposed reserved forest.

ORDER :- Dated 6th December 1892, No. 1214 Revenue, Forest No. 297

The draft final notification of the Lankamalai block and the initial notification under section 4 for the constitution of its are approved and will be published in the Fort. St. George and Cuddapah District Gazette, the 30th March 1893 being entered as the date from which the reservation of the forest block shall take effect.

(True extract)

(Signed) C. A. GALTON
Secretary to Government.

To

The Commissioner of land Revenue, with a map
The Superintendent, Government Forests, with notifications.

No. 1214-A.

Copy to Government of India, Revenue and Agricultural Department

(Signed) C. A. GALTON
Secretary to Government.

ATTESTED


Divisional Forest Officer
Proddatur (WL) Division

Board of Revenue (Land Revenue) 14th January 1893, Forest No. 13

NOTIFICATION

His Excellency the Governor in Council is pleased to notify, under the provisions of section 4 of the Madras Forest Act (V of 1882) that, it is proposed to constitute the areas, the boundaries of which are described in the schedule given below, reserved forest under the Act.

SCHEDULE

Name of the District	Name of the Taluk	Name of the Villages	Number and name of the Block	Boundaries
Cuddapah	Proddatur Badvel Sidhout and Cuddapah	Nandilampet, Regulakunta, Konarajupalli, Gopalapuram, Agraharam, Vanampalli, Verapalli, Tippanapalli, Venkatasettipalli, Razupalem, Yerrapalle, Tummalagondi, Gopalapuram, Venkatapuram Agraharam, Kondur, Atlur, Varikunta. Maddur, Tudur, Upputur, Chenduvayye, Velugupalli, Jangalapalli, Siddavattam, Rajampet, Vonthitadepalli, Joti, Ponnaivol, Kanuperti, Devalatpuram agraharam, Biyanapalli, Chamullapalli, Pattur, Pullur and Nagasanipalli and Machupalli	Lankamalai	

North :- Starting from the junction of the roads from Proddatur and Cuddapah to Badvel, the South margin of the Proddatur - Badvel road to the north-west corner of survey No. 536 of Regulakunta.

East :- Then a straight line to the most western point of survey No. 361 of Verapalli; then the west boundary of Khandam 6 of Verapalli, to its southern point; then to the south-west angel of survey No. 250 of Tippanapalli; then south to the junction of the path from varikunta to Gopalaswami temple, a

ATTESTED


**Divisional Forest Officer
Proddatur (WL) Division**

stream and the north west corner of Khandam 1 of Varikunta and then to the South-west corner of survey No. 602 of Uppatur; then to the south west corner of survey No. 236 of Chenduvoyya; then to the north – west corner of survey No. 63, and then a straight line south passing through the most western point of survey No. 60 to the left bank of the Pennar river.

South :- Then along the bank of the river and the north boundary of khandam 1 of Jangalapalli as far as the Badvel road, then a straight line to north-west corner of khandam 1 of Rajampet; thence to the north-east corner survey no. 22 of Joti, and thence to the north-east corner No. 16 of Ponnivol; then the north boundaries of khandams 1,2,4,5 to the bank of the Pennar river; then the bank of the above river, the east, north and west boundaries of khandam 8 of Gurrampadu; then again the river bank.

West :- Then the east boundary of khandam 9 of Gurrampadu to its north-west corner then a straight line to the east margin of the kunda of survey No. 470 of Kanuparti, and then to the north-west corner of survey No. 489 of Kanurpati; then the northern boundaries of khandams 6,4,3 of Kanuparti to the north-west corner of the latter; then a straight line to the north-west corner of survey No. 94 of Biyanapalli and then to the south-west corner survey No. 479 of Chemullapalle; then the east boundary of khandam 12 of Chemullapalle to its north east corner; then the southern boundary of khandam 27 of Kottur to its eastern extremity; then a straight line to the north-east corner of survey No. 723 of Pattur and then to the south-east corner of khandam 12 of the same village; then east and north boundaries of its khandam (Survey No. 758 being including in the reserve) to its most northern point; then a straight line northern most point of survey No. 767; then the north boundary of the khandams 13 and 14 of Pattur to the northern most corner of survey No. 569; then a straight line to the south-east corner of No. 564 of Pullur then a straight line passing through the khandam stone on the east boundary of survey No. 499 to the south edge of the path from Pattur to Kottapalli, hamlet of Nagasanipalli; then the south margin of this path till across the west boundary of khandam 6 of Nagasanipalli village; then the west, south and east boundaries of this khandam, the south-east extremities of survey No. 302 and 300 being

ATTESTED



**Divisional Forest Officer
Proddatur (WL) Division**

included in the reserve then the east boundary of khandam 5 and south-east boundary of khandam 4 to its south east corner; then a straight line due east for one mile and then a straight line due north to the starting point of the north boundary

Note :- This area includes the already settled Lankamalai Reserve.

2. His Excellency the Governor in Council for the pleased under clause (e) of said section 4 to appoint Mr. W. C. Murrari to be the Forest Settlement Officer who shall inquire into and determine the existence, nature and extent of any rights claimed by alleged to exist in favour of, any person in or over land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in Chapter-II of the said Act: and the District Forest Officer, Cuddapah, for the time being, to attend on behalf of Government during the inquiry.

3. His Excellency the Governor in Council is further pleased, under the authority vested in him by Section 14 of the said act to appoint the Collector of the district to be the Officer of the Revenue Department who shall hear appeals from any orders passed by the Forest Settlement Officer under Sections 11, 12 and 13 of the said Act.

Board of Revenue (Land Revenue) 14th January 1893, Forest No. 13

His Excellency the Governor in Council is pleased to declare, under the provisions of Section 16 of the Madras Forest Act (V of 1882) that, from 30th March 1893 the area, the boundaries of which are set forth in the schedule appended to this notification shall be constituted a Reserved Forest.

(True Copy)

Sd/-
 Divisional Forest Officer
 Proddatur

ATTESTED


 Divisional Forest Officer
 Proddatur (WL) Division

Copy of

**Notification of Machupalli Forest Block under Section 4
of AP Forest Act 1967**

G. O. Ms. No. 410, Food and Agriculture (Forest-III), 10th March 1970.

NOTIFICATION

In exercise of the powers conferred by section 4 of the Andhra Pradesh Forest Act 1967 (Act 1 of 1967) the Governor of Andhra Pradesh hereby declares that it is proposed to constitute the land within the boundaries specified in the schedule below as a Reserved Forest under the said Act, and appoints the Forest Settlement Officer, Chittoor to be the Forest Settlement Officer in regard to the said land to consider the objections if any and to enquire into and determine the existence, nature and extent of any rights claimed or alleged to exist in favour of any person in or over any land comprised within such limits or to any forest produce of such land and to deal with the same as provided in Chapter-II of the said Act.

SCHEDULE

Name of the District	:	Cuddapah
Name of the Division	:	Proddatur
Name of the Taluk	:	Cuddapah
Name of the Range	:	Proddatur
Name of the Block proposed to be reserved.	:	Machupalli
Area of the block proposed to be Reserved	:	1085 acres or 439.24 hectares

Boundaries

North :- Starting from the trijunction stone of Nagasanipalli and Machupalli Villages of Cuddapah Taluk and Nandyalampeta of Proddatur Taluk and this trijunction on touches survey No. 111 of Nagasanipalli Village and 506/A of Nandyalampeta Village and the line runs generally in and eastern direction with the following magnetic bearings and distances to station No. 14.

ATTESTED


Divisional Forest Officer
Proddatur (WL) Division

Survey Station		Magnetic bearing in degrees	Distances in links
From	To		
(1)	(2)	(3)	(4)
1	2	61	656
2	3	101	765
3	4	102	1083
(1)	(2)	(3)	(4)
4	5	96	3113
5	6	92	667
6	7	85	1455
7	8	98	1421
8	9	91	1589
9	10	101	1306
10	11	120	1161
11	12	76	1958
12	13	115	1037
13	14	91	963

East :- Thence the boundary runs along the eastern boundary of Lankamalla Reserve Forest to Station No. 17 with the following magnetic bearings and distances.

Survey Station		Magnetic bearing in degrees	Distances in links
From	To		
(1)	(2)	(3)	(4)
14	15	172	4330
15	16	170	960
16	17	173	3628

ATTESTED


 Divisional Forest Officer
 Proddatur (WL) Division

South :- Thence the boundary runs along the said Lankamalla Reserve Forest to Station No. 26 with the following magnetic bearings and distances.

Survey Station		Magnetic bearing in degrees	Distances in links
From	To		
(1)	(2)	(3)	(4)
17	18	270	2713
18	19	269	1148
19	20	269	1319
20	21	268	1123
21	22	269	1096
22	23	270	841
23	24	310	578
24	25	274	1412
25	26	286	508

West :- Thence the boundary runs in generally north westerly direction with the following magnetic bearings and distances.

Survey Station		Magnetic bearing in degrees	Distances in links
From	To		
(1)	(2)	(3)	(4)
26	27	341	2504
27	28	293	1786
28	29	307	1658
29	30	32	289
30	31	306	815
31	32	286	628
32	33	314	436
33	34	50	376
34	35	354	646

ATTESTED


Divisional Forest Officer
Proddatur (WL) Division

35	36	291	327
36	37	351	437
37	38	21	690
38	39	267	776
39	40	279	176
40	41	279	517
41	42	309	898
42	1	321	991

Remarks :-

- A. There are no enclosures to be admitted within the block.
B. The following right of way is proposed to be admitted within the block.

Road :- Khajipet – Badvel Road is admitted for a width of one chain for favour of general public, cattle, cart and vehicles. It enters the block between stations 42 and 1 at a point 8 chains from station No. 42 generally for a distance of 13 chains and exists at Station No. 3.

Sd/- GULAM AHMED.
Deputy Secretary to Government.

ATTESTED


Divisional Forest Officer
Proddatur (WL) Division