

**BEFORE THE NATIONAL GREEN TRIBUNAL, SITTING
AT CHENNAI**

ORIGINAL APPLICATION NO. 92 OF 2020

(Under Section 18(1) r/w Section 19(1) of the National Green Tribunal Act, 2010)

IN THE MATTER OF:

Gareeb Guide (NGO) Rep. by its President, 7/41, Bahar, Sahara States, Mansoorabad, Hyderabad-500068, Phone: 8688122222, E-Mail: gareebguide@gmail.com.

.....APPLICANT

VERSUS

1. State of Andhra Pradesh Rep. by its Chief Secretary to Govt, Department of General Administration, Building No. 1, I Floor, Interim Government Complex, Secretariat, Velagapudi, Guntur, Andhra Pradesh. Phone: N.A., E-Mail: cs@ap.gov.in

2. Collector, Srikakulam District, O/O Collectorate, Srikakulam. Phone: 08942-222565, E-Mail: Collector.sklm@gmail.com

.....RESPONDENTS

OBJECTIONS, DATED: 11.01.2025 FILED BY THE APPLICANT AGAINST THE REPORT, DATED: 30.12.2024 SUBMITTED BY THE DISTRICT COLLECTOR, SRIKAKULAM i.e RESPONDENT NO. 2

MOST RESPECTFULLY SHOWETH:

It is respectfully submitted that I am the Applicant and herein and as such I am well acquainted with the facts of the case.

1. The contents of the Report, dated: 30.12.2024 filed by the Respondent No. 2 are false and denied by the Applicant categorically such of those averments which are not specifically admitted.

2. All the contents of the Affidavit filed by the Applicant are true and correct.

3. The Report, dated: 30.12.2024 filed by the Respondent No. 2 contains the false statements to mislead this Hon'ble Tribunal. Hence, this Hon'ble Tribunal may be pleased to



For GAREEB GUIDE
G. Bhagani
President

consider this action of the Respondent No. 2 as contempt of the court, in view of the Hon'ble Apex court Judgment, dated: 20.02.2023 passed in Civil Appeal No. 1629 of 2022.

4. The Respondent No. 2 submitted to this Hon'ble Tribunal in his report, dated: 30.12.2024 as follow:

- i.** ***“In this regard, it submitted that, on 17.12.2024, the encroached agricultural land admeasuring to an extent of Ac. 14.77 in Sy No. 48-1 and an extent of Ac. 7.24 in Sy No. 59 of Chinnadugam (V) were evicted by the Tahsildar, Jalumuru and the Reveue Divisional Officer, Srikakulam and the photographs are herewith submitted for perusal.”***
- ii.** ***“ With regard to structures, there are age old encroachments and there is a community existing now in the Kakarla Pond which cannot be evicted now and these present structures which the petitioner has complained about are not obstructing the water flow and the inlets are intact and they are functioning. Further there is a law and order problem in the village in respect of the subject land”.***

5. Objections of the Applicant to the Report, dated: 10.11.2024 of the Respondent No. 2:

- i.** It is respectfully submitted that the applicant appointed 3 members team to submit the status on the above.
- ii.** On 11.01.2025, the 3 members team visited the above Kakarla Pond and inform the following facts:



For GAREEB GUIDE
 G. Bhargava
 President

- a. The Photographs submitted by the Respondent No.2, in his report, dated: 30.12.2024 is just with an intention to get escape from the punishment in EA 3 of 2023 in OA 92 of 2020 by misleading this Hon'ble Tribunal.
- b. It is true that the said Tahsildar, Jalumuru permitted illegal cultivation in the said Kakarla Pond even after 17.12.2024. (Photographs, dated: 11.01.2025 are enclosed).



- c. The order, dated: 25.11.2019 in Civil Appeal No. 5109 of 2019 passed by the Apex court is as follow:
“For the reasons stated above, we allow the appeal and set aside the impugned order passed by the NGT, The allotment of all water bodies (both ponds and

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FOR GAREEB GUIDE
[Handwritten signature]
 President

canals), including Khasra Nos 552 and 490 to Respondent No. 6, or any other similar third party in village Saini, Tehsil Dadari, District Gautham Budh Nagar is held to be illegal and the same is hereby quashed. Since the court has on 15.07.2019 already directed the parties to maintain status quo, Respondent 1 to 5 shall restore, maintain and protect the subject water bodies in village Saini. Respondents are further directed to remove all obstructions from the catchment area through which natural water accumulates in the village ponds, all within a period of three months”.

- d. As per the Apex Court Judgment, dated: 20.02.2023 passed in Civil Appeal No. 1629 of 2022, the NGT is entrusted with the wholesome power to ensure that its orders are complied with. The absence of sewerage facilities is an important aspect which would merit the exercise of powers by the Tribunal under section 25. The invocation of power to levy a penalty under section 26 will not necessarily subserve the purpose.
- e. In a similar case i.e SLP(C) 9300 of 2023, Apex Court held that and granted time till 31.05.2023 for the 136 families represented by the petitioners to vacate the premise in question as well as directed in the interest of justice that at the time of vacating the premise in question which means on or before 31.05.2023, the Respondent No.1 of the said case through Land and Development Office will pay a sum of Rs.3,00,000/- (Rupees Three Lakh) to each of the 136 families.



For GAREEB GUIDE
G. Bhargava
President

f. The order, dated: 14.09.2022 of the Division Bench of the Hon'ble High Court of Andhra Pradesh in a PIL is as follow:

“.....The officials of the concerned Departments, i.e., the Departments of Municipal Administration, Forest and Revenue, shall also undertake. and complete the exercise of identification of unauthorized occupations/encroachments over the lands belonging to their respective Departments, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the principles of natural justice, i.e., issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers, within a further period of four months”

g. The Supreme Court has observed in SUO-MOTU CONTEMPT PETITION (CIVIL) NO.3 OF 2021 viz In Re Perry Kansagra that the tendering of affidavits and undertakings containing false statements would amount to contempt of court.

h. As per the leading newspaper i.e Orissa Post, dated: 20.01.2020, in a similar case Hon'ble NGT, EZ issued notice of contempt as well as imprisonment waring to the Khurda Collector.

i. As per the Hon'ble Bombay High Court, efficacious remedy for breach of orders of NGT is under Sec 26 of NGT Act and Not before Magistrate under Sec 15 Environment Protection Act

j. The illegal constructions/encroachments upon riverbeds/banks, hills in the form causing harm to the environment of the river polluting natural water and danger for water bodies, defacing the beauty of

the river and damage to the environment of the river/pond, hills and the heritage sites of is irreversible and permanent.

- k. The water is the most essential requirement to sustain the human life and, therefore, there is need to preserve and protect it.
- l. As per the Hon'ble High Court of Andhra Pradesh, the Andhra Pradesh High Court has the highest number of contempt cases because of the casual approach of officials towards court orders (Published in all newspapers on 19.11.2022).
- m. Other Grounds if any will be argued at the time of hearing.

It is hereby prayed that pending action taken based on false report, dated: 30.12.2024 submitted by the District Collector, Srikakulam, the Hon'ble Tribunal may be pleased to consider these objections and facts submitted by the applicant and take action against the Respondent No. 2 on tendering of affidavits and undertakings containing false statements etc and pass an appropriate order or orders as deem fit and proper in the circumstances of the case.

For GAREEB GUIDE
G. Bhargavi
President

APPLICANT

VERIFICATION

I Bhargavi Gundeti, President, Gareeb Guide (NGO), 7/41, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad-500068 do hereby verify that the contents of paras 1 to 5 believe to be true on legal advice and that I have not suppressed any material fact.

Date: 11.01.2025

Place: Hyderabad.

For GAREEB GUIDE
G. Bhargavi
President

APPLICANT

Bhargavi