

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

EA No. 3 of 2023

In

OA No. 92 of 2020

IN THE MATTER OF:

GAREEB GUIDE NGO

..... APPLICANT

VERSUS

STATE OF ANDHRA PRADESH AND OTHERS

..... RESPONDENTS

REPORT FILED BY THE COLLECTOR RESPONDENT NO 2

Date: 10.11.2024



M/s MADHURI DONTI REDDY

ADVOCATE

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

#26, S2, Royal Castle, Gill Nagar Extension, Choolaimedu, Chennai - 600 094.

Mobile: 98407 98460 / 63831 21322,

Email: reddymadhuri09@gmail.com

ACTION TAKEN REPORT FILED BY THE COLLECTOR, SRIKAKULAM IN EA.NO 3 OF 2023(SZ) IN OA NO. 92 OF 2020 (SZ) IN THE MATTER OF GAREEB GUIDE NGO VS STATE OF ANDHRA PRADESH.

1.It is submitted that, the Gareeb Guide (NGO), Rep. by its President, Ms. G. Bhargavi, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad has filed O.A.No.92 of 2020 before the Hon'ble NGT at Chennai, praying to take necessary action on the encroachments in "Kakarla Pond" covered by Sy.No.48 & 59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District of Andhra Pradesh State.

2.It is submitted that, the report submitted to the Hon'ble NGT, Chennai and also the Principal Secretary to Government, Revenue Dept, Government of Andhra Pradesh.

3.In this connection, it is submitted that,the Hon'ble National Green Tribunal (SZ), Chennai has passed the following orders on 22.11.2023 duly posted the case to 10.01.2024.

1. The report of the District Collector which was filed in August is not before us, as the same is returned for certain compliances. The learned counsel appearing for the State of Andhra Pradesh is directed to upload it again. However, in response to the said report, the applicant has made his objections.

2. It is stated that in and around the Kakarla Pond, there are permanent structures that are more than 20 years old, the buildings accommodating the Below Poverty Line people, etc. are there. Unless the inlets to the pond are cleared, the fresh flow of water may not be possible.

3. Let the District Collector file a detailed report as to how these permanent structures which have been blocking the inlets can be removed, as the inlet channels to any of the water body should not be allowed to be obliterated by making permanent structures.

4. Let the District Collector file a report in comparison with the FMB and Village Map and the present physical status of the inlets and furnish the way out for clearing the inlets or the alternatives that can be made to ensure flow of the water into the pond.

5. The applicant who filed his objections to the District Collector's report has not given any concrete suggestions as to how they can be removed. Instead, he quoted only the earlier orders passed by the Hon'ble Supreme Court and this Tribunal in various cases. The applicant being an NGO can also join in this process to restore the inlets and outlets of this Kakarla Pond and give their suggestions and contributions.

6. Let the matter be listed on 10.01.2024.

4.It is submitted that, the Superintending Engineer, Irrigation, Srikakulam, the Revenue Divisional Officer, Srikakulam and the Tahsildar, Jalumuru have been requested to examine Orders Dt.22.11.2023 of the Hon'ble NGT (SZ), Chennai in Executive Application No.3 of 2023 (SZ) in O.A.No.92 of 2020 (SZ) and the Notice Dt.19.12.2023 of the applicants Advocate, Bahar, Sahara States, Mansoorabad, Hyderabad, Telangana and to submit the detailed joint inspection report to this office, so as enable this office to take further action in this matter.

5.It is submitted that, the Hon'ble National Green Tribunal (SZ), Chennai has passed the following orders on 02.05.2024, duly posted the case to 04.07.2024.

Mrs.Madhuri Donti Reddy, the learned Government Pleader for the State of Andhra Pradesh would seek further time to file the report of the District Collector, as the officer is engaged in the ongoing Lok Sabha Election duty and let the matter be filed on 04.07.2024 for filing the report of the District Collector.

6.It is submitted that, the Superintending Engineer, Irrigation, Srikakulam, the Revenue Divisional Officer, Srikakulam and the Tahsildar, Jalumuru have submitted the Joint Inspection Report and it is revealed that, as per the orders of the District Collector, Srikakulam, they have conducted Joint inspection of the Karkarlavani Pond in Chinnadhugam Village of Jalumuru Mandal, Srikakulam District of Andhra Pradesh.

Sl.No.	Name of the Official	Designation
1.	Sri Ch. Rangaiah	Revenue Divisional Officer, Srikakulam
2.	Sri P.Sudhakar Rao	Superintending Engineer, Irrigation Department, Srikakulam.
3.	Sri Ch. Nagamma	Tahsildar, Jalumuru.

7.It is submitted that, the Superintending Engineer, Irrigation, Srikakulam, the Revenue Divisional Officer, Srikakulam and the Tahsildar, Jalumuru have inspected jointly to the alleged tank in Sy.No.59 and Sy.No.48-1 and Sy.No.48-3 of Chinnadugam Village, Jalumuru Mandal on dated.19.06.2024 and the subject tank was locally called as "Kakarla Vani tank" and the nature of the subject alleged tank was verified with Settlement Fair Adangal, FMB and VAno.3, of Chinnadugam Village, Jalumuru Mandal.

8.It is also submitted that, during the joint inspection it is revealed that the extent of the Ac.12.75 cents was covered with Permanent Structures located on the subject land i.e. MPP School Building, Housing Colony, Panchayat Office, Temple Stage regarding House site Pattas issued in the year 1988 onwards House site pattas are available with 32 beneficiaries and remaining 57 families have been residing there and said to be misplaced their House site pattas and as per field level

enquiry by the MRI and VRO, Chinnadugam, there are total of 89 individual/families are residing in the Sy.No 59, for the extent of Ac 4.02 Cents and that Ac.7.24 cents of agricultural land was occupied by the 39 individuals of Chinnadugam Village in Jalumuru Mandal, whereas, there is no house site registrar was available in Tahsildar office, in accordance with " Potti Adangal" of Chinnadugam Village 24 individuals covered as a house site pattas beneficiaries .

9.The details of the structures and encroachments on the subject tank as shown below.

Sl.No.	Name of the construction/occupation	Extent covered	Year of occupation
1	MPP School.	Ac.0.12 cts	25 Years
2	Panchayat Office, at present it was converted as Rythu Bharosa Kendram of Chinnadugam Village	Ac.0.05 cts	8 Years
3	Stage dais for Sri Laxmi Narasimha Swamy Yatra.	Ac.0.01 cts	40 Years
4	Agricultural occupations covered with encroachments by 39 individuals were evicted	Ac. 7.24 cts	15-30 Years
5	Covered by Houses	Ac.4.02 cts	25 Years
6	Black top Road was formed from Narasannapeta R&B Road toChinnadugamvillage of Jalumuru Mandal	Ac. 0.55 cts	Long Back
7	Vacant land for Sri Laxmi Narasimha Swamy Yatra purpose	Ac 0.44 cts	40 Years
8	Field Channel	Ac.0.30 cts	30 years
9	Nag devata temple	Ac.0.02 cts	18 years
	TOTAL	Ac.12.75 cts	

10.It is further submitted that, the Agricultural Land encroachments in Survey No.59 for an extent of Ac.7.24 and vacant land for an extent of Ac.0.44 for using of Sri Laxmi Narasimha Swamy Yatra purpose in Kakarlavani Cheruvu of Chinadhugam Village of Jalumuru Mandal were removed and the present ground status is a vacant land and there was vacant on ground and planted a warning board on the subject land cautioned strictly prohibited the trespassing of Govt. land and that, If anybody violated they will be liable to punishable under the guidelines of A.P. Encroachment Act,1905.

11.It is also submitted that, the Sy.No.48 with total extent of Ac.22.49 of Chinnadugam Village in Jalumuru Mandal, which is sub-divided into 6 sub-divisions

and Sy.No.48-1,3 with an extent of Ac.21.08cents is classified as Tank Poramboke - "Kakarlavani Tank", On conduct of filed inspection, it is observed that following:

Sl.no.	Nature of construction/Structure	Extent covered (in Acs.)
1.	Agricultural Land	14.77
2.	Houses/Sheds	1.60
3.	Burial Ground	0.05
4.	Nagadeavatha Temple - Bathrooms	0.01
5.	Vamsadhara Canal	2.00
6.	Field Channel	0.20
7.	Existing Tank	2.45
	Total	21.08

12.It is submitted that, the Agricultural operations were stopped in Survey No.48-1 & 3 for an extent of Ac.14.77 in Kakarlavani Cheruvu of Chinadhugam village, Jalumuru Mandal and the present ground status is a vacant land and there was vacant on ground and planted a warning board on the subject land cautioned strictly prohibited the trespassing of Govt. land. If anybody violated they will be liable to punishable under the guidelines of A.P. Encroachment Act,1905 and as per the potti adangal lease patts was issued in Sy.No.48/1 with an extent of Ac.1.35 and 48/3 and Sy.No.59 were both classified as Tank, but only Ac.2.45 was existing on ground as tank.

13.It is submitted that, previously on 19.06.2024, the Superintending Engineer, Irrigation, Srikakulam, the then RDO Srikakulam and the then Tahsildar Jalumuru have conducted joint inspection on the alleged Tank situated in Sy.No.48-1 and 59 of Chinnadugam (V) of Jalumuru (M). During the joint Inspection the following observations were made

*Originally Kakarla tank of Chinna dugam village of Jalumuru Mandal pertains to Panchayathi Raj Department (P.R).These tanks are handedover to Irrigation Department in the year 2005 and the Tank is abandoned. In the year 1978 the Narasannapeta Branch canal of Vamsadhara Projet has been excavated adjacent to the above said tank and the ayacut of tank was localized under Vamsadhara Project.**No ayacut is serving under this tank.**Thereby the tank has been defunct.*

*There are three in-let points into the tank to facilitate dispose of inletting water through the local channel and lets into the Pedda tank of Peddadugam Village in Jaumuru Mandal. **The inletting water has no permanent obstructing structures** and the channel has been passing under the Narasannapeta Branch Channel through Under Tunnel and its surplus courses to Pedda Tank of Peddadugam Village in Jalumuru Mandal.*

It is further submitted that, as per the instructions of the District Collector,

*Srikakulam, again verification has conducted on 09.11.2024 to verify the functioning of above inlets with the Irrigation Department, Srikakulam. **During the verifications it is found that, the above three inlets are intact and they are functioning.** The inlets and leading channel can accommodate more than the inletting water **there is no stagnation of the water** is observed in the tank bed area and also it is to state that there are no obstructing structures constructed to block the flows. Therefore, there is no need to provide alternative arrangements. The copy of the inspection report Dt.09.11.2024 is submitted herewith for kind perusal.*

14. It is submitted that, applicants Advocate, has issued contempt notice on behalf of his client M/s Gareeb Guide (NGO) regarding encroachment of Kakarla Pond / Waterbody in Chinnadugam Village, Jalumuru Mandal, Srikakulam District.

15. Accordingly, the RDO, Srikakulam and the Tahsildar, Jalumuru have reported that, Sri Dunga Papayya, S/o late Simmanna and 4 others of Chinnadugam Village, Jalumuru Mandal have filed a W.P.No.14694 of 2024 before the Hon'ble High Court of A.P. with a request to issue appropriate writ orders or direction more particularly one in the nature of writ of mandamus to declare the action of the Respondent No.2 & 4 trying to dispossessing the petitioners from the petitioners schedule agricultural land in Sy.No.48/1 for an extent of Ac.0.16, Ac.0.29, Ac.0.16, Ac.0.15 and in Sy.No.59 for an extent of Ac.0.10 for total extent of Ac.0.86 at Chinnadugam Village, Jalumuru Mandal and without following any due process.

16. It is submitted that, the RDO, Srikakulam and the Tahsildar, Jalumuru have also reported that, so many times, the VRO, Chinadugam has announced the court order through tom-tom (Dandora), but some of the villagers of Chinadugam Village have sowed paddy seeds in the above said land during night time with the help of tractors, the VRO, Chinadugam has submitted enquiry report on 07.07.2024 by their office on violation of the court orders and a complaint was also filed in the SHO, Jalumuru to file criminal cases against the illegal encroachers in Sy.No.48 & 59 of Chinadugam Village in numerous time, but the SHO, Jalumuru has advised to inform the issue to the Superintendent of Police, Srikakulam through the higher authorities because it need special police force for encroachment eviction without any disturbance to the law and order.

17. It is submitted that, the RDO, Srikakulam and the Tahsildar, Jalumuru have finally requested to address the Superintendent of Police, Srikakulam to issue necessary instructions to the concerned to provide necessary police protection to the Revenue Officials in Jalumuru Mandal as and when they approach for eviction of encroachments in Sy.No.48 & 59 of Chinadugam Village of Jalumuru Mandal to maintain law and order during the above procedure.

18. It is submitted that, the Tahsildar, Jalumuru and the RDO, Srikakulam have reported that, parawise remarks have been submitted to the G.P for Revenue in the above W.P.No.14694 of 2024 and on 12.07.2024, the Hon'ble High Court of

A.P. passed interim orders that both parties are directed to maintain status quo obtaining as on today until the next date of hearing and as per orders issued by the Hon'ble High Court of A.P., status quo is being maintained by both parties.

19.It is submitted that, even though the court orders in force, the Villagers have encroached the subjected land.With regard to encroachment, the Tahsildar Jalumuru has submitted that, so many times, the Village Revenue Officer, Chinnadugam has announced the court orders through Tom-Tom (Dandora), but some of the villagers of Chinnadugam village have sowed paddy seeds in the above said land during night time with the help of tractors, the Village Revenue Officer, Chinnadugam has submitted enquiry report on 07.07.2024 to Tahsildar Jalumuru on violations of the court orders , and a complaint was also filed in the Station House Office, Jalumuru to file criminal cases against the illegal encroachers in Sy.No. 48, 59 of Chinnadugam Village in numerous time, but the SHO, Jalumuru has advised to inform the issue to the Superintendent of Police, Srikakulam through the higher authorities because it need special police force for encroachment eviction without any disturbance to the law and order.

20.It is submitted that, upon finding about the encroachment the third respondent (the Tahsildar Jalumuru) has issued notices on 13.09.2024 as per the A.P. Encroachment Act,1905.

21.In the meanwhile, Sri Gondu Simmanna, S/o Rama Rao and 4 others, Chinadugam Village, Jalumuru Mandal, Srikakulam District have filed a W.P.No.21616 of 2024 and prayed to declare the notices dt.13.09.2024 issued by the 3rd respondent (the Tahsildar, Jalumuru)trying to dispossessing the petitioners from the petitioners schedule agricultural land in Sy.No.48/1 & 59 for an extent of Ac.16 to Ac.0.30 each in Chinadugam Village, Jalumuru Mandal without considering the explanations dt.09.09.2024 is highly illegal and consequently set aside the same and the Hon'ble Court made the following order Dt.27.09.2024.

This Court has bestowed is attention on the contents of the notices issued under Section 6 of A.P. Land Encroachment Act, 1905. It transpires from the said notices that the official respondents have neither referred to the explanations given by the writ petitioners nor have given any reasoning in respect of such explanations. Having considered these aspects, this Court is of an opinion that the final order under Section 6 & 7 of A.P. Land Encroachment Act, 1905 has been passed by the official respondents without objectively considering the explanations given by the writ petitioners. Therefore, this is a serious violation of principles of natural justice. Accordingly, this Court is of an opinion that the notices issued to the writ petitioners under Section 6 cannot be sustained in law. As a consequences, all the notices issued under Section 6 of the A.P. Land Encroachment Act, 1905 are set aside.

Need less to state that official respondents have the liberty to issue fresh proceedings by following due process of law as incicated above.

It is clarified that so far as other proceedings before the NGT, Chennai and its outcomes are concerned, this Court has not expressed any opinion.

With these observations and directions, this writ petition is disposed of. No order as to costs.

Interlocutory applications, if any, stand closed in terms of this order.

22. It is submitted that, the Revenue Divisional Officer, Srikakulam and the Tahsildar, Jalumuru have also reported that, the applicants Advocate issued a notice dt.09.10.2024 to the Chief Secretary of Andhra Pradesh, the District Collector, Srikakulam and the Tahsildar, Jalumuru to take immediate action against the illegal construction and illegal cultivation in Sy.No.48 & 59 i.e., Kakarla Pond in Chinadugam Village, Jalumuru Mandal, Srikakulam District, under intimation to his client, failure the above, his client will be constrained to file contempt case against the District Collector, Srikakulam and the Tahsildar, Jalumuru without any further notice on or before 15.10.2024.

As per the orders in W.P.No.21616 of 2024 of Hon'ble High Court of A.P made the following.

"Need less to state that official respondents have the liberty to issue fresh proceedings by following due process of law as indicated above."

23. The RDO, Srikakulam and the Tahsildar, Jalumuru have also reported that, during the enquiry, on the certain allegations and there are 37 persons have encroached agriculture land identified in Sy.No.48-1 situated in Kakarlavani Cheruvu of Chingdugam Village, Jalumuru Mandal and also 26 encroachers identified in Sy.No.59 situated in Kakarlavani Cheruvu of Chingdugam Village, Jalumuru Mandal in the following.

Sl.No.	Name of the Encroacher	Father/Husband	Sy.No.	Extent in Ac	Nature of the encroachment
1	Ravada Simmanna	Apparao	48-1	0.30	paddy
2	Dunga Apparao	Simmanna	48-1	0.40	paddy
3	Ravada Eeswararao	Jaddanna	48-1	0.60	paddy
4	Dunga Simmanna	Apparao	48-1	0.26	paddy
5	Dunga Adinarayana	Apparao	48-1	0.26	paddy
6	Tandyala lakshmanarao	Appanna	48-1	0.30	paddy
7	Dasari krishna	Narasimhulu	48-1	0.50	paddy
8	Gondu Simmanna	Ramarao	48-1	0.60	paddy
9	Gondu Subadramma	Ramarao	48-1	0.60	paddy
10	Panga chinnarao	Rajulu	48-1	0.30	paddy

Sl.No.	Name of the Encroacher	Father/Husband	Sy.No.	Extent in Ac	Nature of the encroachment
11	Dubba Eeswarao	Apparao	48-1	0.30	paddy
12	Baggu ramarao	Gavarayya	48-1	0.30	paddy
13	Baggu Chinnarao	Gavarayya	48-1	0.30	paddy
14	Dunga Chinnammadu	Appalaswamy	48-1	0.60	paddy
15	Aligi Sudha	Karuvuvadu	48-1	0.30	paddy
16	Aligi Ramesh	Karuvuvadu	48-1	0.30	paddy
17	Gunda Apprao	Ramulu	48-1	0.50	paddy
18	Surapu Punyavathi	Lakshmanarao	48-1	0.30	paddy
19	Baddi Simmayya	Dalayya	48-1	0.40	paddy
20	Dunga Neelaveni	Simhachalam	48-1	0.30	paddy
21	Pagoti simhadrirao	Dasu	48-1	0.31	paddy
22	Gondu krishna	Tatayya	48-1	0.30	paddy
23	Gorla Simhachalam	Dalappanna	48-1	0.20	paddy
24	Gondu Tatayya	Appalaswamy	48-1	0.20	paddy
25	Gondu Applaswamy	Tatayya	48-1	0.20	paddy
26	Podilapu Somulu	Appanna	48-1	0.25	benda
27	Dubba Ramulu	Appanna	48-1	0.40	Ridge grond
28	Patta polamma	Ramanna	48-1	0.13	redgram
29	Patta Simhachalam	Barikivadu	48-1	0.13	redgram
30	Ravada Simmanna	Apparao	48-1	0.40	teak
31	Gondu Krishna	Tatayya	48-1	0.30	Vacant site
32	Tandyala Lakshmanarao	Appanna	48-1	0.20	Vacant site
33	Chettu Appanna	Rajappadu	48-1	0.50	Vacant site
34	Dunga Latchamma	Appayya	48-1	0.25	Vacant site
35	Dasari Krishna	Narasimhulu	48-1	0.30	Vacant site
36	Ravada Krishna	Mallesu	48-1	0.20	Vacant site
37	Panga Chinnarao	Rajulu	48-1	0.10	Vacant site
		Total extent		12.09	

Sl.No	Name of the Encroacher	Father/Husb and	Sy.No.	Extent in Ac	Nature of Encroachment
1	Baggu Ramarao	Gavarayya	59	0.15	paddy
2	Panga Chinnarao	Rajulu	59	0.45	paddy
3	Gangarapu Rambabu	Appalawamy	59	0.50	paddy
4	Bojja Rajulu	Dandasi	59	0.15	paddy
5	Baggu Apparao	Dalappanna	59	0.40	paddy
6	Panga Ramudu	Suryanarayan a	59	0.30	paddy
7	Panga Sudha	Suryanarayan a	59	0.30	paddy
8	Gorle Lakshminarayana	Mugatayya	59	0.35	paddy
9	Gorla Ramulamma	Ramudu	59	0.30	paddy
10	Purushottam Ramanamurthy	Vishnumurthy	59	0.15	paddy
11	Potala Mugatamma	Jaggayya	59	0.35	paddy
12	Potala Prasadarao	Ramarao	59	0.30	paddy
13	Ravada Simmanna	Apparao	59	0.20	paddy
14	Surapu Simmamma	Appalaramayy a	59	0.25	Coconut trees
15	Dasari Ramarao	Simhachalam	59	0.15	Vacant site
16	Dasari Suryanarayana	Ramanna	59	0.15	Vacant site
17	Duddu Narasimhulu	Tata	59	0.20	Vacant site
18	Baggu Simhachalam	Dalappanna	59	0.20	Vacant site
19	Baggu Apparao	Dalappanna	59	0.25	Vacant site
20	Baggu Chinnarao	Gavarayya	59	0.40	Vacant site
21	Dasari Suryanarayana	Appalaramayy a	59	0.15	Vacant site
22	Nagamani Mohanarao		59	0.50	Vacant site
23	Neelapu Rambabu		59	0.30	Vacant site
24	Neyyala Suryanarayana		59	0.30	Vacant site
25	Gondu Krishna	Tatayya	59	0.10	Vacant site
26	Potala Lakshmanarao	Apparao	59	0.10	Vacant site
		Total extent		Ac.6.95	

24.It is submitted that, the RDO, Srikakulam and the Tahsildar, Jalumuru have also reported that, panchnama is conducted with the above agricultural encroachers and they have stated that, the permanent structures having in the Kakarlavani Cheruvu and also house site pattas were issued to the beneficiaries since the year 1988 onwards in Sy.No.59 of Chinadugam Village and they have requested to the above said structures and encroachments are to be regularized in their favour and some of the encroachers are occupied the land in Kakarlavani tank, they are cultivating paddy crop and they are daily wage agriculture labourers and also the encroachers are informed that, after harvesting the paddy, they are not encroached any Government land in Kakarlavani Cheruvu and they have requested to regularize the above encroachment in their favour. But, the request of the encroachers cannot be considered as there are orders of the Supreme Court / High Court to protect the water bodies / Channels etc.,

25.It is submitted that, the RDO, Srikakulam and the Tahsildar, Jalumuru have also reported that, as per the above orders, all the encroachments are highly objectionable and they are to be evicted as such on dt.29.10.2024 Notices U/s 7 of L.E, Act, 1905 were issued to all the encroachers and their explanations have been called for and all the encroachers have given statement they will leave the said land after the harvesting of paddy crop, but, there is not guarantee that the encroachers will depart from the above lands, however, action is being taken duly following the due process of law.

26.It is submitted that,the Revenue Divisional Officer, Srikakulam and the Tahsildar, Jalumuru have finally reported that, the Sy.No.48/1 & 59 are classified as Government Tank Poramboke land, the villagers have encroached some portion of the scheduled land and during the enquiry, all the encroachers have stated that, they will leave the said land after the harvesting of paddy crop and the harvesting time of the paddy crop between 20th and 25th November 2024 has also been certified by the Mandal Agriculture Officer of Jalumuru Mandal and action will be taken duly following the due process of law and encroachments will be removed by 09.12.2024.

In the above circumstances, it is humbly prayed that, this Hon'ble NGT (SZ), Chennai may be pleased to record this report and dismiss the above E.A.No. 3 of 2023 in O.A.No.92 of 2020 and pass such further or other orders, as this Hon'ble NGT (SZ), Chennai may deem fit and proper in the facts and circumstances of the case and thus render justice.


9/11/2024
District Collector,

Srikakulam
COLLECTOR
SRIKAKULAM