

**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: 31.12.2024**



**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](mailto:reddymadhuri09@gmail.com)**

**ACTION TAKEN REPORT FILED BY THE COLLECTOR, SRIKAKULAM IN E.A.No.3 OF 2023 (SZ) IN O.A.No.92 OF 2020 (SZ) IN THE MATTER OF GAREEB GUIDE, NGO Vs STATE OF ANDHRA PRADESH.**

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.

Accordingly, a detailed report submitted to the Hon'ble National Green Tribunal, Chennai.

In this connection, it is submitted that, in the RDO, Srikakulam has submitted a detailed report on the following as called by the Standing Counsel for Andhra Pradesh, Hon'ble National Green Tribunal (SZ), Chennai, duly posted the case to 18.12.2024.

1.A detailed report has submitted to the Hon'ble Green Tribunal at Chennai, through the District Collector, Srikakulam vide this Office Rc.No 636/202/A Dt.12.09.2020 of the Revenue Divisional Officer, Tekkali.

2.On 02.07.2020, the Hon'ble Tribunal has constituted a Joint Committee with Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai as nodal agency and directed the District Collector, Srikakulam to examine the revenue records of this area to find out as to whether there existed any pond in that area earlier and what is the nature of the pond and its use at that time and when the encroachments started and what are the steps taken by the state authorities to remove the encroachment to protect the water body". Accordingly, on 01.02.2021 a Joint Committee Enquiry Report has submitted to the Hon'ble Tribunal. The copy of the Joint Inspection report is herewith submitted for perusal.

3. As per the orders Dt. 24.05.2022 of the Hon'ble NGT in O.A. No.92 of 2020, further action report of the Joint Committee and also compliance report to the objections filed by the applicant have been submitted to the Hon'ble NGT on 06.07.2022 through the Standing Counsel for AP.

4. After perusing the Joint Committee report Dt.05.07.2022 and also compliance report to the objections filed by the applicant, the Hon'ble NGT, has issued the following directions on 14.07.2022 that:

A. The District Collector, Srikakulam District is directed to identify and desilt the Inlet and the outlet of the water body and if there is any encroachment in the inlet and outlets, take steps to restore the same, so as to enable the water flow into the pond to rejuvenate the same.

B. The applicant is at liberty to file their objections, if any, to the Joint Committee report as well as the report submitted by the District Collector, Srikakulam District.

C. The above officials are directed to file their objections and the report as directed on or before 03.08.2022 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.

5. Hence, as per the directions of the Hon'ble Tribunal issued on 14.07.2022 in O.A.No.92 of 2020 (SZ) & I.A.No.90 of 2022 (SZ), a detailed compliance report has been submitted to the Hon'ble Tribunal on 02.08.2022 on the fresh objections dated 26.07.2022 filed by the applicant.

6. On 01.12.2022, this Tribunal has passed an order directing the District Collector – Srikakulam to clear the encroachments, restore the inlets to the water tank and file a report along with the revenue records relating to the same with respect to Survey No.59.

Therefore, a detailed report has submitted to the Hon'ble Tribunal that, in Survey No.59 an extent of Ac.12.75 is classified as Tank Poramboke viz., Kakarla Pond. On ground the scheduled extent has occupied with certain structures and these structures are there in existence between 10 and 42 years. Out of the Ac.12.75, an extent of Ac.7.68 which were in occupation of individual agricultural farmers and the vacant land for Sri Lakshmi Narasimha Swamy Yatra purpose are said to have been restored by evicting the encroachers. The Kakarlavani Tank is also existed in the Sy.No.48-1 (Ac.21.08). But, on ground an extent of Ac.2.45 was existed as Tank.

7. Further, On 17.04.2023, the Hon'ble Tribunal has directed the District Collector to file an additional report exploring the possibilities of (i) re-locating the occupants furnished in Para (10) of their action taken report and (ii) restoring the pond to its original status.

8. Accordingly, the District Collector, Srikakulam has constituted the joint committee with the following Officers to take up the joint Survey of the Kakarla Pond in Chinnadugam Village of Jalumuru Mandal and find out the total extent of the area available for the purpose of the Kakarla Pond and encroachments thereon in Sy.No.59 and 48 of Chinnadugam Village of

Jalumuru Mandal, Srikakulam District and submit the joint filed inspection in this regard.

- 1.The District Panchayat Officer, Srikakulam.
- 2.The SuperIntending Engineer, Irrigation Department, Srikakulam.
- 3.The SuperIntending Engineer, APEPDCL, Srikakulam.
- 4.The Revenue Divisional Officer, Srikakulam.
- 5.The Asst. Director, Survey & Land Records, Srikakulam.
- 6.The Tahsildar, Jalumuru.

As per the instructions of the District Collector, Srikakulam, joint inspection was conducted on 06.06.2023 with the above Officials in Sy.No.59 and Sy.No.48 of Chinnadugam Village of Jalumuru Mandal and it is observed that, following occupations were there in the Sy.No.59 of chinnadugam Village of Jalumuru Mandal.

Sl. No.	Nature of construction/Structure	Extent in Ac.	Duration of Occupation/0Const ruction
1	MPP School	0.12	25 years
2	Panchayat Office ( Now converted as Ryothu Bharosa Kendram)	0.05	8 years
3	Covered by houses constructed by BPL families	4.02	27 years
4	Black Top road formed from Narasannapeta – Pathapatnam road to Chinnadugam Village	0.55	Long Back
5	Field Channel	0.30	30 years
6	Stage for Sri Laxmi Narasimha Swamy Yatra	0.01	40 years
7	Nagadeveta Temple	0.02	20 years
	<b>Total</b>	<b>5.07</b>	

The Revenue Divisional Officer, Srikakulam has further reported that, the agricultural land encroachments in Sy.No.59 for an extent of Ac.7.24 cents and vacant land for an extent of Ac.0.44 cents using for Sri Laxmi Narasimha Swamy Yatra Purpose and it was removed earlier and the present ground status is a vacant land and a caution board was also planted in the above vacant land. Further an extent of Ac.5.07 is covered with above structures in Kakarlavani Cheruvu of Chinnadhugam Village from the last 30-40 years.

The Revenue Divisional Officer, Srikakulam has also reported 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 with an extent of Ac.21.08 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
	<b>Total</b>	<b>21.08</b>

The Revenue Divisional Officer, Srikakulam has reported that, the Sy.No.48/1 and Sy.No.59 were both classified as Tank. But, only Ac.2.45 was existing on ground as tank and an extent of Ac.1.66 is covered with structures in Sy.No.48-1 .

The Revenue Divisional Officer, Srikakulam has reported that, regarding Re-locating the occupants in the Sy.No.59 of Chinnadugam Village of Jalumuru Mandal, it is very difficult to relocate the families of dwelling residential houses in subject tank poramboke and other Government buildings in other location since one habitation was formed with permanent structures, houses 27 years ago.

The Revenue Divisional Officer, Srikakulam has reported that, Regarding the restoring the pond to its original status, the subject tank was not covered in the list of tanks handed over by the Panchayat Raj Department to Water Resources Department in the year 2005 and there is no Ayacut covered under this tank and after formation of Narasannapeta Branch Canal (NBC) under Vamasadhara Project in the year 1978, the tank was remained as defunct and as there are permanent structures in the above subject land and no ayacut, the Kakarla Pond cannot be restore to its original status and there is no prospect for convert the present land into tank as topography is completely changed and permanent roads were formed through this tank connecting to other villages.

However, the Joint Inspection team came to conclusion that, there is no possibility to relocate the existing habitation into original status as tank.

The Revenue Divisional Officer, Srikakulam has also reported that, with regard to evection of above encroachments, the then Tahsildar, Jalumuru has reported that, an extent of 8 acres out of Ac.14.77 in Sy.No.48-1 were evicted. But, the remaining extent is not evicted due to heavy rains.

The Revenue Divisional Officer, Srikakulam has reported that, basing on the orders Dt.01.08.2023 & 22.11.2023 of the Hon'ble Tribunal, in O.A.No.92 of 2020 and the notice dt:19.12.2023 Issued by the Dr. D.V. Rao in the matter, the District Collector, Srikakulam has directed conducted joint inspection to the Superintending Engineer, Irrigation Department, Srikakulam, the Revenue Divisional Officer, Srikakulam and the Tahsildar, Jalumuru .

As per the orders of the District Collector, Srikakulam, the above officers have jointly inspected 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.

It is submitted that, during the joint inspection it is revealed 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.
- 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. It is submitted that the Sy.No.48/1 and 48/3 and Sy.No.59 were both classified as Tank, but only Ac.2.45 was existing on ground as tank.
- Originally Kakarla tank of Chinna dugam Village of Jalumuru Mandal pertains to Panchayathi Raj Department (P.R). These tanks are handed over to Irrigation Department in the year 2005, but the said tank was not handed over to Irrigation Department as it is abandoned.
- In the year 1978 the Narasannapeta Branch canal of Vamsadhara Project 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. The Narasannapeta Branch Canal of Vamasdhara Project crosses the said tank at the downstream edge of tank therefore the total ayacut under this tank has been localized under Vamsadhara Project. 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.

While the matter stood thus, some of the farmers have approached the Hon'ble High Court of A.P., against the eviction Notices issued by the Tahsildar, Jalumuru. Therefore, the Tahsildar Jalumuru has filed necessary counters before the Hon'ble High Court of A.P., for dismiss the W.P. No.14694/2024. Accordingly, the Hon'ble High Court of A.P., has directed the both parties to maintain status quo. But, some of the encroachers have encroached the land and crop the paddy seeds without listening the orders of the Hon'ble High Court of A.P., Dt.12.07.2024.

It is also submitted that, on 11.10.2024, the RDO, Srikakulam and the Tahsildar Jalumuru have personally inspected the scheduled lands and identified that, all of the villagers belongs to backward caste and they have constructed slabbed and tiled houses under various Govt. schemes above 25 years back and they are residing in the same land and it is very difficult to evict total 108 houses from the encroachment of tank poramboke and on field inspection it is also observed that there is no cultivation under the Kakarlavani tank as irrigated water is being supplied through Vamsadhara Channel.

The RDO, Srikakulam has also reported that, with regard to eviction, the harvesting time of the above paddy crop is between 20th and 25th November 2024 which was confirmed by the Mandal Agriculture Officer of Jalumuru Mandal and previously it was reported that action will be taken duly following the due process of law and encroachments will be removed by 09.12.2024. But, on ground paddy heaps are located against the scheduled land. Hence, the eviction of above encroachments were not taken up at that time.

It is submitted that, a detailed report has submitted to the National Green Tribunal, Chennai 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.

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 Revenue Divisional Officer, Srikakulam. The report of the Tahsildar, Jalumuru and the Revenue Divisional Officer, Srikakulam and the photographs are herewith submitted for perusal.

The RDO, Srikakulam has also reported that, a letter has addressed to the Superintending Engineer, Irrigation circle, Srikakulam with a request to restore the Kakrlavani Tank in Sy.No.48-1 (Ac.12.77) and Sy.No.59 (Ac.7.24) of Chinnadugam (V) in Jalmuru (M) since, the encroachments were evicted by this office Rc.No.606/2023/F Dt.17.12.2024.

It is respectfully submitted that, all the directions/orders of the Hon'ble Natiuonal Green Tribunal has been obliged by the Revenue Authority till date, but, 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.

In view of the above circumstances, it is humbly prayed that, this Hon'ble NGT, South Zone, 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.

  
District Collector,  
Srikakulam



Latitude: 18.470103  
Longitude: 84.060812  
Altitude: -7.9±100 m  
Accuracy: 18.1 m  
Time: 17-12-2024 12:49  
Note: Chinnadugam12



Latitude: 18.4696  
 Longitude: 84.060998  
 Altitude: 18.5±323 m  
 Accuracy: 16.7 m  
 Time: 17-12-2024 12:37  
 Note: Chinnadugam11











