

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

**E.A No 03 OF 2023(SZ)
In
OA No 92 OF 2020**

IN THE MATTER OF:

Gareeb Guide (NGO)

..... Applicant

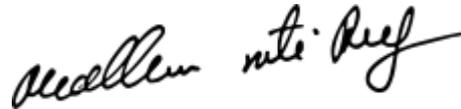
Vs

State of Andhra Pradesh and Others

... Respondents

REPORT FILED BY THE COLLECTOR RESPONDENT NO 2

DATE- 03.08.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE BENCH
AT CHENNAI
EA NO 3 OF 2023 IN
ORIGINAL APPLICATION NO.92 OF 2020 (SZ)**

IN THE MATTER OF:

Gareeb Guide (NGO)

Rep. by its President, 7/41, Bahar, Sahara States,
Mansoorabad, Hyderabad, Telangana State, 500068,
Phone: 8688122222, E-Mail: gareebguide@gmail.com, Applicant

VS

STATE OF ANDHRA PRADESH

Rep. by its Chief Secretary to Government,
Department of General Administration,
Building No.1, I Floor, Interim Government Complex,
A.P. Secretariat, Velagapudi,
Guntur, Andhra Pradesh and another Respondents

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It is certified that all the documents contained in the above annexure are true copies.

Date: 29.08.2023

**FURTHER ACTION TAKEN REPORT FILED BY THE DISTRICT
COLLECTOR, SRIKAKULAM IN O.A.No.92 of 2020, MOST
RESPECTFULLY SHOWETH AS FOLLOW:**

1. It is respectfully submitted that, M/s. Gareeb Guide (Voluntary Organization) has stated that, the Organization has filed a representation dt.26.12.2017 to the Chief Commissioner of Land Administration, A.P., Vijayawada and the District Collector, Srikakulam (the said representation was not received in this office) requesting to alienate the land to an extent of Ac.10.00 cents in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District, A.P. for construction of Gareeb Guide's Heaven (Old age home & orphans home) for public purpose at Chinnadugam Village, Jalumuru Mandal, Srikakulam District, A.P. as per the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012. **(Annexure-I)**
2. It is respectfully submitted that, the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 says that, environmentally sensitive and fragile areas such as tank beds, river beds, hillocks with afforestation etc., shall not be alienated or allotted. It is also submitted that, the required land in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) is classified as "Kakarla Pond" i.e., an objectionable Government tank Poramboke, which could not be alienated or allotted to anybody, as per the orders of the Hon'ble Courts and as well as instructions of the Government.
3. It is respectfully submitted that, the Applicant herein has filed a Writ Petition No.8493 of 2020 in the Hon'ble High Court of Andhra Pradesh at Amaravathi praying the Hon'ble Court to issue a Writ, Order or direction declaring the action of the Respondent Nos.4 & 5 (i.e., the Chief Commissioner of Land Administration, Vijayawada and the District Collector, Srikakulam respectively) in not allotting land to the petitioner for public purpose as illegal, violation of G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 and also direct the Respondent No.5 (District Collector, Srikakulam) to allow the Petitioner for temporary constructions for public purpose in the said premises until further orders of this Hon'ble High Court as deem fit and proper in the circumstances of the case and that a detailed counter affidavit in this Writ Petition was also filed before the Hon'ble High Court of Judicature at Amaravathi and it is pending for adjudication. **(Annexure-II)**

4. It is respectfully submitted that, as the matter stood thus, the applicant herein has filed an O.A. No.92 of 2020 (SZ) at Chennai, to challenge the action by Respondent No.2 (District Collector, Srikakulam) in acting in the interest of grabbers by allowing constructions like School, Panchayat Office, Temporary houses, unauthorized cultivation etc., in "Kakarla Pond" in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District in the State of Andhra Pradesh as adversely affecting the ecosystem and the overall ecology of the area and thus there is substantial question relating to environment, where the community at large is affected by the environmental consequences and it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010.
5. It is respectfully submitted that, the Hon'ble National Green Tribunal, South Zone, Chennai has appointed a Joint Committee dated 02.07.2020 comprising the following Officers to inspect the area in question and submit a factual and action taken report, if there is any violation found. **(Annexure-III)**
 - i. A Senior Officer of Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai.
 - ii. A Senior Officer of Lake Protection Committee, Hyderabad
 - iii. The District-Collector, Srikakulam.
6. In this connection, it is respectfully submitted that, among the 3 Joint Committee Members, one Dr. R.Sridhar, Scientist 'D', MoEF&CC, Regional Office, Chennai and the Executive Engineer, A.P. Pollution Control Board, Regional Office, Srikakulam on behalf of the District Collector, Srikakulam have jointly inspected the scheduled land with the local revenue officials on 20.01.2021 and submitted the detailed Joint Inspection report to the Hon'ble National Green Tribunal for kind perusal. **(Annexure-IV)**
7. It is respectfully submitted that, as per the directions of the Hon'ble Tribunal issued on 12.02.2021 in O.A.No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.15 of 2021 (SZ), a detailed proceedings in Rc.No.943/2020/E3, Dt.16.03.2021 have been issued to the Applicant herein on the objections dated 12.02.2021 filed by him. **(Annexure-V)**
8. It is respectfully submitted that, as per the directions of the Hon'ble Tribunal issued on 12.11.2021 in O.A.No.92 of 2020 (SZ) & I.A.No.90 of 2022 (SZ), on

the objections dated 13.11.2021 filed by the Applicant compliance report has been submitted to the Hon'ble Tribunal on 05.07.2022 for kind perusal.

(Annexure-VI)

9. It is respectfully submitted that, 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), on the fresh objections dated 26.07.2022 filed by the Applicant, detailed compliance report has been submitted to the Hon'ble Tribunal on 02.08.2022 for kind perusal. **(Annexure-VII)**

10. It is respectfully submitted that, as per the revenue records, the Survey Number 59 with an extent of Ac.12.75 of Chinnadugam Village is classified as tank poramboke namely "Kakarla Pond" and the ground status of the Survey Number 59 as on the joint committee inspection date 20.01.2021 is as detailed below:

Sl. No.	Nature of construction/structure	Extent covered (in Acs.)	Duration of occupation/construction
1	MPP School	0.12	27 years
2	Panchayat Office (Now converted as Ryothu Bharosa Kendram) .	0.05	10 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	32 years
5	Field Channel	0.44	42 years
6	Occupations by 40 individuals for agricultural operations	7.24	17-32 years
7	Vacant land for Sri Laxmi Narasimha Swamy Yatra purpose	0.44	42 years
8	Stage for Sri Laxmi Narasimha Swamy yatra	0.01	42 years
9	Nagadeveta Tample	0.02	20 years
	TOTAL	12.75	

11. It is respectfully submitted that, out of the total extent of Ac.12.75 cents, the encroachments covered by agricultural fields with an extent of Ac.7.68 cents (i.e., Sl.No.6 & 7 of the above table) which is vacant on ground have been evicted and a caution board stating that "the land belongs to Government and the encroachers are punishable under law" has been erected on the land.

12. It is respectfully submitted that, there are 89 age old residential houses of BPL category people, one MPP School, Ryothu Bharosa Kendram (Old Panchayat Office), CC road from Narasannapeta-Pathapatnam to Chinnadugam Village, Field

Channel, Nagadevata temple etc., are existing in the scheduled land in an extent of Ac.5.07 cents and hence, the Government through the Chief Commissioner of Land Administration, Mangalagiri vide in this office Rc.No.943/2020/E3, Dt.05.07.2022 has been requested to examine the present ground reality and to issue suitable instructions to proceed further in this matter. **(Annexure-VIII)**

13. Except the above age old constructions, no permissions or encroachments allowing in the subjected land in the Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District.

14. Further it is submitted that, the Executive Engineer, Water Resource Department, BRR Vamsadhara Project, Narasannapeta Mandal vide in their Lr.No.EE/Mtc.Divn./Npeta/DB/126M, Dt.03.04.2023 has reported that, the Kakarlavani tank was an abandoned tank and it was not covered in the list of tanks handed over by the Panchayat Raj Department to Water Resources Department (Vamsadhara) in the year 2005 and their department is not feeding the tank from Vamsadhara canals and further even though after formation of Narasannapeta branch canal in 1978, the Kakarlavani tank was not in their system fed tanks and there was no tank appearance on ground and remained as abandoned and that the question of reopen the two inlets and outlets does not arise, duly enclosing the explanatory sketch prepared during the joint inspection of the subjected site **(Annexure-IX)** and further action taken report has been submitted to the Hon'ble National Green Tribunal, Chennai requesting to dispose the O.A.No.92 of 2020 as deemed fit and proper in the circumstances of the case. **(Annexure-X)**

15. It is respectfully submitted that, the Hon'ble National Green Tribunal, Chennai has issued orders on 17.04.2023 in E.A.No.03 of 2023 (SZ) in O.A.No.92 of 2023 (SZ) that it is the duty of the District Collector to restore the rest of the extent of the pond and if the said Kakarla Pond is extended to another Survey No.48, let the District Collector find out the total extent of the area available for the purpose of the Kakarla Pond to ensure that they are encroachment free with the inlets and outlets cleared and it is stated that even if any of the water bodies are put to disuse, it will not take away the character of the same and should be retained only as a water body. The Hon'ble National Green Tribunal has also 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. **(Annexure-XI)**

16. It is respectfully submitted that, in pursuance of the above orders of the Hon'ble National Green Tribunal, Chennai, the following officers have been directed 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 Sy.No.48 of Chinnadugam Village of Jalumuru Mandal and submit the joint field inspection report. **(Annexure-XII)**

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 Assistant Director, District Survey & Land Records,
6. The Tahsildar, Jalumuru

17. It is respectfully submitted that, the Revenue Divisional Officer, Srikakulam and the Tahsildar, Jalumuru have also been directed to submit the detailed report exploring the possibilities of (i) re-locating the occupants i.e., present encroachments in Sy.No.59 of Chinnadugam Village of Jalumuru Mandal and (ii) restoring the pond to its original status. **(Annexure-XIII)**

18. It is respectfully submitted that, the joint committee has reported that, joint inspection was conducted on 06.06.2023 in Sy.No.59 and Sy.No.48 of Chinnadugam Village of Jalumuru Mandal and observed the following occupations in the Sy.No.59 of Chinnadugam Village of Jalumuru Mandal.

Sl. No.	Nature of construction/structure	Extent covered (in Acs.)	Duration of occupation/construction
1	MPP School	0.12	27 years
2	Panchayat Office (Now converted as Ryothu Bharosa Kendram)	0.05	10 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	32 years
5	Field Channel	0.44	42 years
6	Stage for Sri Laxmi Narasimha Swamy yatra	0.01	42 years
7	Nagadeveta Tample	0.02	20 years
	TOTAL	5.21	

19. The Joint Committee have also reported that, previously the agricultural land encroachments to an extent of Ac.7.24 cents and vacant land to an extent of Ac.0.44 cents used for Sri Laxmi Narasimha Swamy Yatra Purpose in Kakarlavani Cheruvu covered by Sy.No.59 of Chinnadugam Village were removed and presently the ground status is vacant land and a caution board has also been erected in the above vacant land.

20. The Joint Committee has also reported that, the Sy.No.48 of Chinnadugam Village, Jalumuru Mandal is having a total extent of Ac.22.49 cents and the Sy.No.48 is subdivided into 6 sub-divisions and Sy.No.48/1 with an extent of Ac.21.08 cents is classified as "Tank Poramboke - Kakarlavani Tank" and identified the following occupations in Sy.No.48/1 of Chinnadugam Village, Jalumuru Mandal.

Sl. No.	Nature of construction/structure	Extent covered (in Acres)
1	Agricultural Land	14.77
2	Houses/ Sheds	1.60
3	Burial Ground	0.05
4	Nagadevatha Temple - Bathrooms	0.01
5	Vamsadhara Canal	2.00
6	Filed Channel	0.20
7	Existing Tank	2.45
	TOTAL	21.08

21. The Joint Committee has also reported that, the Sy.No.48/1 and Sy.No.59 of Chinnadugam Village, Jalumuru Mandal are classified as Tank, but only an extent of Ac.2.45 cents is existing on ground as Tank.

22. The Joint Committee has also 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 the subject tank poramboke and other Government buildings in other locations since the habitation was formed with permanent structures and houses 27 years ago.

23. The Joint Committee has also reported that, regarding the restoration of 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 Vamsadhara 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 restored 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. The Joint Committee has finally reported that, there is no possibility to re-locate the existing habitation in another place and restore the tank to its original status. **(Annexure-XIV)**

24. It is respectfully submitted that, the Revenue Divisional Officer, Srikakulam and the Tahsildar, Jalumuru have been requested to take necessary action to evict the above encroachments in the Sy.No.48/1 of Chinnadugam Village of Jalumuru Mandal, Srikakulam District classified as "Kakarlavani Cheruvu" by following due procedure of law and report compliance to this office immediately through the Revenue Divisional Officer, Srikakulam, so as enable this office to submit the detailed report to the Hon'ble National Green Tribunal, Chennai before 01.08.2023. **(Annexure-XV)**

25. It is respectfully submitted that, the Hon'ble National Green Tribunal, Chennai has issued orders on 01.08.2023 in E.A.No.03 of 2023 (SZ) in O.A.No.92 of 2023 (SZ) directing the District Collector to file a detailed status report regarding the physical features of the Kakarla Pond, the number of encroachments, including in the inlet and outlet channels, the action taken so far and the action to be taken for evicting them to restore the pond and the inlets and outlets to their original shape and size and posted the case to 31.08.2023. **(Annexure-XVI)**

26. It is respectfully submitted that, the Revenue Divisional Officer, Srikakulam has reported that, the Tahsildar, Jalumuru has proposed for eviction of encroachments on dt.26.07.2023 and requested the Station House Officer, Jalumuru to provide necessary security arrangements Men and women Constables on dt.26.07.2023 at 10.00 AM at Chinnadugam Village, Jalumuru Mandal to avoid inconvenience from the encroachers but heavy rains occurred from dt.25.07.2023 to 27.07.2023 and that the encroached fields and bunds have been inundated and that the eviction work was not possible through JCBs and could not be evicted, but on 08.08.2023, the Revenue officials along with Station House Officer, Jalumuru and Police persons went to encroached paddy fields with one JCB and 1 Tractor for eviction of paddy fields in "Kakarlavani Tank" in Sy.No.48/1 of Chinnadugam Village, Jalumuru Mandal and evicted an

extent of Ac.8.00 cents of Agriculture encroachments out of Ac.14.77 cents, but the remaining extent, i.e., Ac.6.77 cents was not possible for eviction as the encroached fields are covered with fully mud and water due to heavy rains and also reported that, the remaining extent will be evicted after drain of stagnant water from encroached fields in "Kakarlavani Tank" in Sy.No.48-1 of Chinnadugam Village, Jalumuru Mandal.

27.The Revenue Divisional Officer, Srikakulam has reported that, the Tahsildar, Jalumuru has further submitted that, regarding the remaining encroachments, permanent structures were formed for an extent of Ac.1.60 cents in Sy.No.48/1 as detailed below and the removal of the encroachments may lead to law and order problem in the above Village as the habitation was formed in the part of the above survey number and the details of the permanent structures are as shown below:

S. No.	Name of Encroacher	Assessment Number	Type of Construction	Occupied extent with constructions in Acres	Duration of Occupation/ Construction
1	Gunda Krishna S/o Tatayya	78	Slabbed House	0.10	25 years
2	Nagamani Hemaltha W/o Mohanarao	84	Tiled House (Penkitillu)	0.08	25 years
3	Panga Adilakshmi W/o Rajulu	86	Slabbed House	0.10	25 years
4	Ravada Simmanna S/o Bodeyya	198	Slabbed House	0.10	25 years
5	Baggu Simhachalam S/o Dalappadu	89	Slabbed House	0.08	25 years
6	Dunga Apparao S/o Simmayya	105	Slabbed House	0.10	25 years
7	Ampali Simhachalam S/o Boddeyya	206	Slabbed House	0.07	25 years
8	Surapu Mugatayya S/o Appalaramayya	208	Slabbed House	0.10	25 years
9	Challa Appanna S/o Yarrayya	136	Slabbed House	0.10	25 years
10	Baggu Syamasundarao S/o Suryanarayana	205	Slabbed House	0.10	25 years
11	Challa Adinarayana S/o Gurumurthy	100	Slabbed House	0.05	25 years
12	Challa Gavirashu S/o Adinarayana	102	Slabbed House	0.08	25 years
13	Challa Ramana S/o Adinarayana	101	Slabbed House	0.08	25 years

14	Gorle Punyavathi W/o Chinnarao	98	Slabbed House	0.06	25 years
15	Gedela Mallamma W/o Gavarayya	97	Slabbed House	0.06	25 years
16	Patta Appanna S/o Suryanarayana	104	Slabbed House	0.06	25 years
17	Dasari Ramu S/o Appalaramayya	103	Slabbed House	0.10	25 years
18	Panga Ramana S/o Rajulu	87	Slabbed House	0.10	25 years
19	Gondu Ramana S/o Krishna	88	Slabbed House	0.08	25 years
			TOTAL	1.60	

28. The Revenue Divisional Officer, Srikakulam has further reported that, necessary instructions were issued to the Tahsildar, Jalumuru for removal of the remaining agricultural encroachments in Sy.No.48/1 in "Kakarlavani Tank" of Chinnadugam Village, Jalumuru Mandal.

29. The Revenue Divisional Officer, Srikakulam has further reported that, regarding the eviction of 108 permanent structures that are developed in the S.No.48/1 and Sy.No.59, it cannot possible to evict, as it may lead to the law and order issue in the Village, since the encroachers are living in the said abandoned tank from the past 25 years above and they have developed one habitation in the above land and it is difficult to re-locate the entire habitation (108 permanent structures) in another place and also their social and religious customs cannot be reproduced. **(Annexure-XVII)**

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

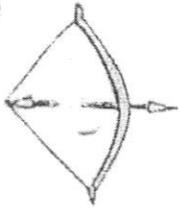
Dated at **Srikakulam** on this the 29th day of August, 2023.



**District Collector,
Srikakulam**

ANNEXURE I

Tel: 9618536666



GAREEB GUIDE

(THE VOLUNTARY ORGANIZATION)

(Registered under Foreign Contribution (Regulation) Act, 1976 vide Regn. No.: 368140007)

Hyderabad,
26.12.2017.

To

1. The Chief Commissioner Land Administration (A.P.L.M.A), D. No. 22-19, Floor -II, Block-A, Jasthi Tower, Saipuram Colony Road, Gollapudi, Vijayawada-521225 &
2. The Collector & District Magistrate, Srikakulam Dist, Srikakulam.

Sub: Requisition - In Duplicate - Allotment of land to Gareeb Guide, NGO - Public Purpose - @ Chinna Dugam Colony Road, Jalumuru Mandal, Srikakulam District.

Ref: G.O.Ms. No. 571, dated 14.09.2012, Revenue (Assignment) Dept - Ec

Dear Sir(s),

It gives me immense pleasure to introduce you about the **Gareeb Guide's Heaven** which is a dream project of the founder of Gareeb Guide (Voluntary Organization). However, Gareeb Guide (Voluntary Organization) is established in 2007 and registered under A.P. Societies Registration Act, 2001 vide No. 1122/2007 and accredited by the Telangana State Legal Services Authority vide No. 01/TLSA/ACRDT/RR/2015. Our organization got approval U/s. 80G(5)(vi) of the Income Tax Act, 1961 vide F.No: CIT(E)/Hyd/118(12)/80G/2014-15 and registered under sec. 10(1)(aa) of Foreign Contribution (Regulation) Act, 1976 vide registration number 368140007 under social nature. The main aims and objects of our organization are - 1. In purview of Education: Promoting fundamental principles and humanitarian values develop in a better understanding internally and influencing behaviour in the community 2. In field of Medical: Protection of life, health and human dignity 3. In purview of General Public Utility: Guide the people for their well wish and guide the people for legal and economical equality, Conduct the Tennis Tournaments in the name of Indian Open Tennis. Some welfare activities in the interest of Tennis and Tennis Players etc. Since inception, our organization has been very sincere and working hard on its aim. Our organization filed many public interest litigations and conducted many free legal aid, health camps and many public welfare activities i.e blood donation camps, awareness camps, scholarships to poor students etc. Our organization conducted many welfare activities i.e conducted legal awareness camps through paada yatra (walk a thon), free legal aid camps at 23 districts and 375 KMS, filed many public interest litigations, conducted representation programme on establishment of the circuit bench of the supreme court at every high court and conducted Indian Open Tennis Tournament-2014 etc.

As per the will written by (Late) N. Mohana Rao, Founder of Sri Sri Sri Naga Devatha & Manasa Devi Ammavara Aalayam, **Gareeb Guide (NGO)** has become as an absolute owner of the lands belong to (Late) N Mohana Rao @ Chinna Dugam Colony Road, Near Tiluru Jn, Jalumuru Mandal, Srikakulam District and enjoying the possession. Now, **Gareeb Guide (NGO)** proposed to construct **Gareeb Guide's Heaven** (Old age home & orphans home) for public purpose @ Chinna Dugam Colony Road, Near Tiluru Jn, Jalumuru Mandal, Srikakulam District. This project i.e **Gareeb Guide's Heaven** will be covered in the area of 10 acres and more than 2,000 citizens will be benefited through this project. For this project, land measuring 10 acres at one place is required. There is an extent of 10 acres of Govt. waste land (poramboke land) is around our land. Hence, I shall remain deeply indebted in case you could accede to our humble request and allot an extent of 10 acres of Govt. waste land (poramboke land) which is around our land @ Chinna Dugam Colony Road, Near Tiluru Jn, Jalumuru Mandal, Srikakulam District to **Gareeb Guide (NGO)** for public purpose. I look forward to your confirmation or appointment, so that the preparations for this project can be taken up timely.

Regards

Sd/- (G. Bhargavi), President. For more details, please click: www.facebook.com/gareebguideindia

G. Bhargavi

Office:

7/36, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad - 500068. E-Mail: gareebguide@gmail.com



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IN THE HIGH COURT OF JUDICATURE: ANDHRA
PRADESH AT AMARAVATHI

W.P.No. 8493 of 2020

Between:

Gareeb Guide Voluntary Organizat on,
accredited by the Telangana State Legal Services
Authority, Rep. by its President
Ms.G. Bhargavi, Mansoorabad, LB Nagar
Hyderabad. Regional Office Sri Sri Sri Naga
Manasa Devi Temple Compound Chinnadugam
Main Road, Tilaru Jn, Jalumuru Mandal,
Srikakulam District.

... Petitioner.

A N D

1. The Union of India, Rep.by Prl Secretary,
Ministry of Home Affairs, New Delhi
and others.

... Respondents.

COUNTER AFFIDAVIT FILED BY THE RESPONDENT NO.5

I, J.Nivas, Son. of R.Janardhanan, aged about 37 years,
R/o.Srikakulam, Occ: District Collector, Srikakulam, do hereby solemnly
affirm and sincerely state on oath as follows:

1. I submit that I am the 5th respondent herein and as such, I am well
acquainted with the facts of the case. I have read the affidavit filed in
support of the Writ Petition and I deny all the allegations made in the
affidavit except those that are specifically admitted herein.

2. In reply to Para 6 of the affidavit, it is submitted that the contention
of the petitioner that, he became an absolute owner of the lands and
properties belongs to late N. Mohanarao since 2017 and enjoying the
possession is not correct.

It is respectfully submitted that the petitioner did not mention the
Survey Number claimed for alienation in this case. However, the matter

Attestor


Deponent
**COLLECTOR
SRIKAKULAM**

has been got enquired into by the Tahsildar, Jalumuru and during the enquiry it is revealed that, the land asked for by the petitioner for alienation is classified as "Kakarla Tank" which is in Survey No.59 of Chinnadugam Village in Jalumuru Mandal of Srikakulam District which is prohibited for assignment or alienation as per the rules in force.

3. In reply to Paras 7 and 8 of the affidavit, it is submitted that the contention of the petitioner that he brought the temple viz., Sri Sri Sri Nagadevatha Manasa Devi Annmavarla Temple at Chinnadugam Village in Jalumuru Mandal of Srikakulam District under his management and paying salaries to the staff the temple and taken over maintenance and administration and conducting annual celebrations since 2017 upto 2020 by investing a total amount of 9.68 lakhs, is not true.

In this connection, it is respectfully submitted that on local enquiry conducted by the Tahsildar, Jalumuru, the villagers have categorically stated that the maintenance of the temple is being attended by the villagers and paying the salaries to the Archakas from the collection of hundies of the temple and that the villagers do not know about the Petitioner, Gareeb Guide (Voluntary Organization) and hence, the contention of the petitioner deserves no consideration.

4. In reply to Paras 9 and 10 of the affidavit, it is submitted that the land in question is classified tank bed poramboke and there are specific instructions from the Government and the Chief Commissioner of Land Administration & Spl.Chief Secretary about restriction on allotment of water body / tank poramboke lands in his reference No.B1/1543/2012, Dt.18.03.2013 and hence, the allotment of land of Ac.10.00 as requested by the petitioner is not feasible.

5. In reply to Paras 11 and 12 of the affidavit, it is submitted that the contention of the petitioner that he filed an application on 27.12.2017 to the

Attestor


Deponent
COLLECTOR
SRIKAKULAM

Respondents 4 and 5 as per the procedure in G.O.Ms.No.571, Dt.14.09.2012 Revenue Department and requested to assign Ac.10.00 of land for the public purpose is not correct.

It is respectfully submitted that Para 3(a)(ii) of the G.O.Ms.No.571 Revenue (Assignment.I) Dept., Dt.14.09.2012 3(a)(ii) says that, "only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such purpose. Further, environmentally sensitive and fragile areas such as, tank beds, river beds, hillocks with afforestation etc., shall not be alienated or allotted."

In view of the above position, allotment Ac.10.00 of land as requested by the petitioner cannot be considered as the land in question is Tank bed poramboke which is strictly prohibited either for assignment or for alienation.

6. In reply to Paras 13 to 15 of the affidavit, it is submitted that the land in question is classified as Tank bed Poramboke which is highly objectionable and strictly prohibited either for assignment or for alienation.

7. In reply to Paras 16 to 19 of the affidavit, it is submitted that in view of the averments of the above paras, the request of the Petitioner for allotment of land of Ac.10.00 in Sy.No.59 of Chinnadugam Village in Jalumuru Mandal of Srikakulam District cannot be considered, since the land in question is classified as Tank bed Poramboke and hence, the Writ Petition deserves no consideration and liable for dismissal.

For the reasons stated above, it is therefore prayed that this Hon'ble Court may be pleased to dismiss the writ petition and pass such other

Attestor


Deponent
COLLECTOR
SRIKAKULAM

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order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed
On this the day of June,
2020 and signed his name in my
Presence.


Deponent
COLLECTOR
SRIKAKULAM

Before me

Attestor

VERIFICATION

I, J.Nivas, Son of R.Janardhanan, aged about 37 years, R/o.Srikakulam, Occ: District Collector, Srikakulam, do hereby verify that the contents of paras 1 to 7 are true to the best of my knowledge, belief, information and as per records. Hence, verified on this the ... day of June, 2020.

Counsel for Respondents 2 to 5.


Deponent
COLLECTOR
SRIKAKULAM

Item No.01:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI****Original Application No. 92 of 2020 (SZ) &****I.A. No. 45 of 2020 (SZ)***(Through Video Conference)***IN THE MATTER OF**

Gareeb Guide (NGO)

....Applicant(s)

VersusState of Andhra Pradesh,
Through its Chief Secretary and others.

....Respondent(s)

Date of hearing: 02.07.2020.**CORAM:****HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER****HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER****For Applicant(s):**

Sri. D.V. Rao

For Respondent(s):

Smt. Maduri Donti Reddy

ORDER

1. The grievance in this application is regarding unauthorised encroachment into "Kakarla Pond" in Sy. No. 59 in Chinnadugam

Village in Jalumuru Mandal of Srikakulam District (D) in the State of Andhra Pradesh.

2. It is alleged in the application that as per the report of the Tahsildar in RC No. 197/2020, dated 07.05.2020, it has been observed that in 1-B record, the land measuring Ac. 12.75 acres in Sy. No. 59 is classified as "Karala Tank" i.e. Government poramboke land.
3. It is further mentioned in the report, that there are unauthorised constructions and encroachments by way of putting of temporary constructions and also making unauthorised cultivation, which has resulted in the disappearance of the entire pond and it is not in existence now.
4. It is also alleged in the report that Sri. Sri Naga Devatha Temple constructed some building and Government constructed a school and Panchayat office. According to the applicant, the pond was used earlier as a water recharge unit to collect rain water during monsoon and also helped in protecting against flood in those areas. In the recent years the attitude of the people encroaching in to water tank, nallahs and other rain water drains. has resulted in

flood and inundation of villages during monsoon causing heavy loss to the people which includes life and property.

5. Further, the applicant has relied on the decision of the Hon'ble Apex Court in *Civil Appeal No. 5109 of 2019 Jitendra Singh Vs Ministry of Environment and others dated 25.11.2019* which set aside the order of the National Green Tribunal where, National Green Tribunal had summarily rejected the application and directed the authorities to restore the water bodies which had been unauthorisedly encroached upon by the parties.
6. The applicant also relied on the decision of the Hon'ble High Court of Andhra Pradesh reported in (2005 (1) ALT 550) dated 26.11.200, where also the Hon'ble High Court had directed the official respondent to take steps to remove the encroachment, duly following the procedures prescribed by the law if necessary by taking the assistance of the revenue authorities . It is also mentioned in the order that the steps will have to be completed within a period of three months from the date of receipt of the order.
7. Further, the Hon'ble High Court of Madras in W.P. No.38635 of 2004 dated 28.01.2019, between *Jeevaratnam Ammal Vs the*

Collector, Perambalur District and others directed the authorities to remove the encroachments in certain public lands and did not interfere with the steps taken by the Collector by invoking the provisions of Tamil Nadu Land Encroachment Act, 1905.

8. So, the applicant filed this application seeking the following reliefs:

(a) Direct the Respondent No.1 to take appropriate legal action against the concerned authorities who are acting in the interest of grabbers by allowing constructions like School, Panchayat Office, Temporary Houses, unauthorized cultivation etc. in "Kakarla Pond" in Sy. No.59 in Chinnadugam (V) in Jalumuru (M) of Srikakulam (D) in the State of Andhra Pradesh.

(b) Direct the Respondent No.1 to remove all illegal constructions like School, Shops and Temporary Houses etc.

(c) Direct the Respondent No.1 to restore "Kakarla Pond" in Sy.No.59 in Chinnadugam (V) in Jalumuru (M) of Srikakulam (D) in the State of Andhra Pradesh to its original and report the same to this Hon'ble Tribunal.

(d) Pass any such order or further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

9. When the matter came for hearing for admission today through Video Conference, Sri. D.V. Rao learned counsel represented the applicant and Smt. Maduri Donti Reddy represented the respondents.
10. The learned counsel appearing for the applicant reiterated his allegations in the application and wanted this Tribunal to take cognizance of the issue.
11. On the other hand the learned counsel appearing for the State respondents vehemently opposed the application on the ground that even as per the allegations in the application, some of the constructions were more than 15 years old and as per the National Green Tribunal Act 2010, the applicant has to come within six months of the first cause of an action arose and this Tribunal can further extended the time by sixty days and not thereafter.
12. We are at this stage not going into the question of limitation as the applicant has approached the Tribunal when he came to know about the same with all materials about the encroachment and this will have a cardinal point for considering at the time of hearing the matter after the appearance of parties by filing their objections. The applicant at this stage relies on the report of the

Tashildar dated 07.05.2020, as the date of knowledge of the existence of the tank and its encroachments. Unless there are other materials produced by the respondents, at this stage it is not possible for us come to a different conclusion so as to dismiss the application at the threshold.

13. The learned counsel for the respondents further submitted that applicant has filed a Writ Petition before the Hon'ble High Court as *W.P. No. 8493 of 2020* and that is pending. There also, some of the allegations are akin to the allegations made in this application though the relief claimed may be different.

14. We are not going into the question of limitation at this stage in view of the observations made above as it requires further evidence as to when first cause of action arose for the applicant to approach this Tribunal. Further, we will have to consider this scope of the allegations as to whether the question of first cause of action arose will be a bar for filling a application of this nature when public land or water bodies are encroached upon affecting the ecology as such and whether it can be treated as a recurring cause of action, thereby each cause of an action will give a separate right for the applicant to file the application. All those have to be

considered at a later stage after considering the entire pleading and not at this stage.

15. Considering the circumstance, we feel that there arises a substantial question of environment which requires the interference of the Tribunal. Further it is a settled law, that time and again Hon'ble Apex Court as well as the National Green Tribunal had repeatedly held that there is a duty cast on the state machineries and the local bodies to protect the water bodies and any encroachment into the same is to be viewed seriously as it is likely to affect the ecological balance.
16. In order to ascertain the present status, we feel it appropriate to appoint a Joint Committee comprising of a Senior Officer of Ministry of Environment, Forests and Climate Change (MoEF& CC), Regional Office, Chennai, a Senior Officer of Lake Protection Committee, Hyderabad and the District Collector, Srikakulam to inspect the area in question and submit a factual and action taken report, if there is any violation found.
17. The committee is also directed 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.

18. They may also suggest and give recommendation as to what are all the steps to be taken to protect the water bodies.
19. The District Collector who has been made as the member of the committee is directed to cooperate with the committee in carrying out the directions of this Tribunal for the purpose of inspection and preparation of the report as directed.
20. Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai will act as nodal agency for co-ordination and for providing necessary logistics for this purpose.
21. The committee is directed to submit the report to this Tribunal within a period of two months i.e., on or before 15.09.2020 through e-mail or e-filing at ngtszfilling@gmail.com.
22. The applicant is also directed to submit a set of papers to the members of the committee within a week.

23. The Registry is directed to communicate this order along with the copy of the application and the documents produced to the committee members immediately through e-mail so as to enable them to comply with the direction.

24. For appearance of parties, filing their response and consideration of report, post on 15.09.2020.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

**O.A. No. 92/2020 (SZ) &
I.A. No. 45/2020
02nd July 2020. Sr.**

**BEFORE THE HONOURABLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI**

In

Original Application No. 92 of 2020 (SZ) &
L.A. No. 45 of 2020 (SZ)

IN THE MATTER OF

Gareeb Guide (NGO)

...Applicant(s)

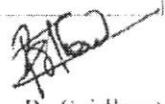
Versus

State of Andhra Pradesh,
Through its Chief Secretary and others.

---Respondents

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(Dr. R. Sridhar)
Scientist 'D'

MoEF&CC, Regional Office, Chennai

Final Report of the Joint committee in the matter of Original Application No. 92 of 2020 (SZ) & I.A. No. 45 of 2020 (SZ) Titled as Gareeb Guide (NGO) Vs State of Andhra Pradesh, through its Chief Secretary and Others in compliance of Hon'ble NGT order dated 2-7-2020 and 4-1-2021

1. Background

The Hon'ble NGT, Southern Bench in the matter of OA No. 92 of 2020 (SZ) & I.A. No. 45 of 2020 (SZ) vide order dated 2-07-2020 (ANNEXURE-1) has constituted a Joint Committee to inspect the unit in question and submit a factual and action taken report, if there is any violation found. The directions of NGT are reproduced below:

"16. In order to ascertain the present status, we feel it appropriate to appoint a Joint Committee comprising of a Senior Officer of Ministry of Environment, Forests and Climate Change (MoEF & CC), Regional Office, Chennai, a Senior Officer of Lake Protection Committee, Hyderabad and the District Collector, Srikakulam to inspect the area in question and submit a factual and action taken report, if there is any violation found."

"17. The committee is also directed 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."

"18. They may also suggest and give recommendation as to what are all the steps to be taken to protect the water bodies."

"19. The District Collector who has been made as the member of the committee is directed to cooperate with the committee in carrying out the directions of this Tribunal for the purpose of inspection and preparation of the report as directed."

"20. Ministry of Environment, Forests and Climate Change (MoEF & CC), Regional Office, Chennai will act as nodal agency for co-ordination and for providing necessary logistics for this purpose."

"21. The committee is directed to submit the report to this Tribunal within a period of two months i.e., on or before 15.09.2020 through e-mail or e-filing at ngts@filing@gmail.com."

The Hon'ble NGT vide order dated 4-1-2021 has given directions to the committee as well as the respondents to submit the report as well as the independent responses on or before 03.02.2021 (ANNEXURE-2)

2. Joint Committee

The MoEF&CC, Regional Office, Chennai, as the nodal agency, vide letter dated 13-7-2020 requested the Lake Protection Committee (Hyderabad) and the District Collector (Srikakulam) for the nomination of a senior officer for the joint committee and site inspection. The Lake Protection Committee (Hyderabad) so far, has not nominated any senior officer from their office and no response was received from the Lake Protection Committee (LPC) upon reminders sent on 20-7-2020 & 3-8-2020. A copy of the MoEF&CC's letter dated 13-7-2020 issued to the Chairman, Lake Protection Committee (LPC) Hyderabad and remainder email dated 20-7-2020 and 3-8-2020 are at ANNEXURE-3. The District Collector (Srikakulam) nominated the Environmental Engineer (EE), AP Pollution Control Board, Regional Office, Srikakulam as Nodal Officer to co-ordinate for conducting site inspection. In view of the above, the joint committee consists of the following members:

1.	Shri J. Nivas, I.A.S. District Collector, Srikakulam
2.	Dr. R. Sridhar, Scientist 'D', MoEF&CC, Regional Office, Chennai
3.	Lake Protection Committee, Hyderabad (Nomination of senior officer has not been received)

3. Joint Committee's observation

(1) The Joint Committee inspected the site 'Kakarla pond' in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal on 20-1-2021. Revenue department officials also joined the inspection. Copy of the Attendance sheet given at ANNEXURE-4. Photos taken during the site inspection are given at ANNEXURE-5.

(2) The Subject tank was locally called as "Kakarla Vani tank". The nature of the subject alleged tank was verified with Settlement Fair Adangal, FMB and VAno.3 of Chinnadugam Village and it is revealed that the total extent of the tank is covering an extent of Ac.12.75 cents with Permanent Structures and encroachments covered with 39 members of Agricultural occupations.

(3) During the inspection it was revealed by Revenue Dept Officials that, there are 89 families residing by construction of houses in Sy.No.59, and that house site pattas were issued from 1988 onwards. Out of 89 families, only 32 families are having house site pattas and the remaining 57 families said to have been misplaced and house site patta register is not available in the office of the Tahsildar, Jalumuru, but in accordance with the "Potti Adangal" available, 24 individuals only covered as house site pattas beneficiaries.

(4) The details of construction/occupation by way of encroachments, extent covered and year of occupation in the area of Kakarla pond are given at ANNEXURE-6.

(5) List of Beneficiaries/encroachers in S.No.59 of Chinnadugam Village of Jalumuru Mandal is given at ANNEXURE-7

(6) List of agriculture occupations in Sy.No.59 of Chinnadugam Village of Jalumuru Mandal is given at ANNEXURE-8

(7) The Executive Engineer, Water Resource Department has stated that, the subject tank was an abounded tank and it was not covered in the list of tanks handed over by the Panchayat Raj Department to Water Resource Department in the year 2005 and there was no ayacut covered under this tank and after formation of Narasannapeta Branch canal (NBC) under Vamsadhara Project in the year, 1978, the tank was remained as abandoned and that the tank was not useful for recharging the drinking water and it was not a percolation tank. The Environmental Engineer, Pollution Control Board, Srikakulam has stated that, there are no remarks from their side on the alleged tank as there is no pollution aspects involved in the subject tank.

(8) The following are the observations made by the team of officials comprising from Pollution Control Board, Survey & Land Records, Revenue Divisional Officer (Tekkali), Irrigation Division (Narasannapeta) and Tahsildar, Jalumuru about Kakarla Pond in Sy.No.59 of Chinnadugam (V), Jalumuru (M) in Srikakulam District:

- (i) The tank known as "Kakarla Pond" which is covered in Sy.No.59 is an abandoned Tank. There is no ayacut covered under this tank. After formation of Narasannapeta Branch Cannel (NBC) under Vamsadhara Project in the year 1978, the tank was remained as abandoned.
- (ii) The tank was not useful for recharging the drinking water and it was not a percolation tank.
- (iii) There was no tank appearance on ground.

- (iv) There were permanent structures located on the subject land i.e., MPP School Building, Housing Colony, Panchayat Office, Temple Stage. Regarding House Site Pattas issued from the year 1988 onwards, house site pattas are available with 32 beneficiaries and the remaining 57 families have been residing there and said to be misplaced their house site pattas. Therefore, it is obtained as per MRI, Jalumuru Mandal and VRO Chinnadugam reports, there are total of 89 individual / families are residing in the Sy.No.59 for an extent of Ac.4.02 and that Ac.7.24 of agricultural land was occupied by the 39 individuals of Chinnadugam Village in Jalumuru Mandal.
- (v) There were encroachments noticed on the subject tank occupied by some persons covered by cultivation.
- (vi) It is revealed that the Survey Number 59 is in chinadugam village, as per revenue records, it is classified as Government poramboke (Kakarla vani tank). But after formation of Narasannapeta Branch canal, the tank gradually encroached and housing colony was constructed, school and Gram Panchayat office buildings were also constructed and CC road was formed from Narasannapeta R&B road to Chinadugam village. 32 house site pattas were issued to 32 beneficiaries and the remaining 57 families have been residing there, but house site pattas were misplaced and no tank exists on ground.
- (vii) A copy of map of Kakarla Pond with explanatory sketch prepared by the District Revenue Department is given at ANNEXURE -9.
- (9) It was informed to the Committee that, the Government in their Memo No.65961/Assn.I(1) 97-11, Revenue Department, Dt 08/02/1999, has issued instructions to all the Collectors that, the Government have been very rarely relaxing the ban orders where the tank bed lands are required for a public purpose like construction of houses for weaker sections and provision of lands for public weaker sections and provision of land for public institutions/ organizations, when no tank exist on ground due to silting, breached bund and no ayacut exists since a long time or when the catchments area as well as the ayacut itself were converted by the land owners into a built up area and tanks are not receiving water and have ceased to serve the purpose or when tanks were abandoned or have been defunct due to non - receipt of water or due to formation of channel system. A copy of the above- mentioned Govt Memo dated 8-2-1999 is given at ANNEXURE -

In view of the above position, the Hon'ble NGT may consider the present status of the pond and kindly issue necessary instructions regarding the house sites that are existing in the said abandoned tank land from a long time. Regarding the agricultural encroachments made in the tank bed land, the Tahsildar, Jalumuru, the Sub-Collector, Tekkali and the local Panchayat officials are being instructed to take necessary action for eviction of encroachments as per the Government norms in force. A letter dated 21-1-2021 in this regard issued by the District Collector (Srikakulam) is given at ANNEXURE -11



Dr. R. Sridhar
Scientist 'D'
Regional Office,
MoEF&CC, Chennai



Shri J. Nivas, I.A.S.
District Collector
Srikakulam

Lake Protection Committee-LPC
Hyderabad
*(Nomination has not
been received from LPC)*

Rc.No.943/2020-E3, Dt. 16.03.2021.

Collector's Office, Srikakulam.

Proceedings of the District Collector, Srikakulam.

Present:- Sri J. Nivas, I.A.S.,

Sub:- Suits – Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organization) Rep.by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, in the Hon'ble National Green Tribunal, Sitting at Chennai – Objections on the Joint Inspection Report – Orders - Issued.

Read:-

- 1.Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (NGO) Rep.by its President, 7/41, Bahar, Sahara States, Mansoorabad, Hyderabad before the Hon'ble National Green Tribunal, Sitting at Chennai.
- 2.This office brief instructions/facts in Rc.No.943/2020-E1, Dt.01.07.2020.
- 3.Orders dated 02.07.2020 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 4.EP/127/NGT(SZ)/26/2020/AP, Dt.13.07.2020 of the Deputy Director General of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office (South Easterns Zone), Chennai.
- 5.This office Progs. Rc.No.943/2020-E3, Dt.31.07.2020.
- 6.Orders dated 04.01.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 7.Joint Committee report dated 01.02.2021.
- 8.Objections dated 12.02.2021 filed the Gareeb Guide (NGO) Rep. its President, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad.
- 9.Orders dated 12.02.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.16 of 2021 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.

ORDER:-

One Gareeb Guide (Voluntary Organization) Rep. by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, filed an Original Application No.92 of 2020 (SZ) in the Hon'ble National Green Tribunal, Southern Zone, Chennai by alleging on the encroachments in "Kakarla Pond" in Chinadugam Village, Jalumuru Mandal of Srikakulam District, as adversely affecting the ecosystem and the overall ecology of the area, and thus there is substantial question relating to environment, wherein the community at large is affected by the environmental consequences, it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010.

Facts of the case have been submitted to the Hon'ble Green Tribunal at Chennai, vide this office Rc.No.943/2020-E3, Dt 01.07.2020 and the Hon'ble Tribunal has made the following order in the above Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) on 02.07.2020.

".....In order to ascertain the present status, we feel it appropriate to appoint a Joint Committee comprising of a Senior Officer of Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Chennai, a Senior Officer of Lake Protection Committee, Hyderabad and the District Collector, Srikakulam to inspect the area in question and submit a factual and action taken report, if there is any violation found.

The Committee is also directed 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.

They may also suggest and give recommendation as to what are all the steps to be taken to protect the water bodies.

The District Collector who has been made as the member of the committee is directed to cooperate with the committee in carrying out the directions of this Tribunal for the purpose of inspection and preparation of the report as directed.

Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai will act as nodal agency for co-ordination and for providing necessary logistics for this purpose.

The committee is directed to submit the report to this Tribunal within a period of two months i.e., on or before 15.09.2020.

Further, a detailed Joint Committee report dated 01.02.2021 has been submitted to the National Green Tribunal, Chennai, after due inspection of the subjected land that the Hon'ble National Green Tribunal may consider the present status of the pond and kindly issue necessary instructions regarding the house sites that are existing in the said abandoned tank land from a long time and that regarding agricultural encroachments made in the tank bed lands, the Tahsildar, Jalumuru, the Sub-Collector, Tekkali and the local Panchayat Officials are being instructed to take necessary action for eviction of encroachments as per the Govt. norms in force.

Aggrieved by the above Joint Committee report, the applicant filed an objection petition before the Hon'ble National Green Tribunal, Chennai on 12.02.2021 and the

Hon'ble National Green Tribunal has been pleased to pass orders on 12.02.2021 that the applicant is not entitled to the relief claimed in the application, but the Hon'ble NGT is not expressing any opinion regarding the merits of the proceedings initiated and it is for the authority to consider those things and pass appropriate orders in accordance with law and accordingly the application is dismissed.

1. The applicant has contended in her objection petition, that the team of officials comprising Pollution Control Board, Survey & Land Records, Revenue Divisional Officer, Tekkali, Irrigation Division Narasannapeta and the Tahsildar, Jalumuru wrongly informed the Committee that, the Matha Manasa Devi Temple was constructed in 0.02 cents instead of 0.70 cents and intentionally they did not mentioned the office of the petitioner in the list of 89 beneficiaries (many of these 89 beneficiaries are fake and also intentionally they did not inform about M/s.Sarat Slippers Industries, Floor Mill etc., which are permitted by the Labour Commissioner, Srikakulam to operating Sy.No 59.

In the Committee report it is specially mentioned that, the Temple is under the occupation of Ac.0.02, out of total extent of Ac.12.75 of Karkala Pond for the last 18 years and there are no mention of office of the petitioner and M/s.Sarat Slippers Industries, Floor Mill etc., and on verification of the ground also, there are no such structures on the subjected land and hence, the objection in this regard is not sustainable.

2. The petitioner has stated that, Gareeb Guide (Voluntary organization) is registered under A.P. Societies Registration Act, 2001 vide No.1122/2007 and this organization is accredited by the Telangana State Legal Services Authority vide No 01/TLSA/ACRDT/RR/2015, dated: 12.03.2015, approved U/s 80 G(5)(vi) of the Income Tax act 1961 vide F.No.CIT(E)/Hyd/118(12)/80(G)/2014-15, Dated 30.06.2015 and also registered under Foreign Contribution (Regulation) Act, 1976 vide No. 368140007 under social nature.

In this regard, the above details do not confer any right over the subjected land and it is not a conclusive proof that the organization is under continuous occupation in the tank bed land.

3. The Petitioner stated that, she brought the temple i.e., Sri Sri Sri Naga Devatha Manasa Devi Ammavarla Temple at Chindadugam (V), Jalumuru (M), Srikakulam (D) in Sy.No.59 which was constructed in 0.70 cents under the management of the Petitioner and paying the salaries to the staff of the Temple, taking care of maintenance and administration and conducting annual celebrations since 2016 (All evidences will be submitted at the time of hearing, if the Hon'ble Tribunal directs)

As per the local enquiry it is revealed that, there is no such Voluntary Organization paying the salary to the staff of the temple and taking care of the maintenance, administration and conducting annual celebrations, hence, the contention of the petitioner is fabricated and not reliable.

4. The petitioner has stated that, M/s Gareeb Guide (NGO) has spent Rs. 24.43 lakhs for dais, annual celebrations of Sri Mata Mansa Devi Temple, public Toilets, Staff Salaries, Staff Quarters, Temple, Administrative Office, home Kundam, Prasadam Counter, Plantation, Mandapam for Sri Naga Devatha, New Marble Statues, CC cameras, other Misc., constructions etc., between 2016-21 in Sy.No.59. However, Police Bandobust had been providing at Shri Mata Mansa Devi Temple, Chinnadugam (V) on call of M/s Gareeb Guide since 2017.

In this aspect, all the above contents are made for the purpose of filing this objection petition and there are no evidences about spent of such a huge amounts to the temple.

5. The petitioner has stated that, as per the requirements of the Villagers, the petitioner expressed its interest to construct Gareeb Guide Heaven (Old Age Home, orphans Home etc) in the said village near by the temple. If the Respondents allotted 10 acres of land to the Petitioner at the above mentioned place, more than 2,000 citizens will be benefited through its proposed project either directly or indirectly.

In this regard, as per the local enquiry there is no such Voluntary Organization in the village. Moreover, the land in question is classified as tank bed objectionable poramboke and prohibited for alienation, so that, the request of the petitioner for allotment of 10 acres of land in the tank bed area is not feasible as per the Govt. instructions in force.

6. The petitioner has stated that, M/s Gareeb Guide filed an application, dated: 27.12.2017 before the District Collector, Srikakulam as per the procedure in G.O.571, dated: 14.09.2012, Revenue (Assignment-II) Dept and requested him to assign 10 acres of land for the public purpose and for the development of Sri Mata Mansa Devi Temple in Sy.No.59 and collected acknowledgement for the same.
7. The petitioner has also stated that, the District Collector, Srikakulam replied in his proceedings vide No.SR No.42/2020/LC, dt.17.06.2020 as follow:

"In this connection it is to inform you that there are specific instructions from the Government and the Chief Commissioner of Land Administration & Special Chief Secretary about restriction on allotment of water body/tank poramboke lands in his reference No.B1/1543/2012, Dt 18.03.2013."

"As per para (g) of the above reference. Govt. Memo No.33571/Assn,I(2), Revenue (Assn.I) Dept., Dt.14.09.2012, as per para – 3 (a) (ii) at page No.6 says that, only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such as, tank beds, river beds, hillocks with afforestation etc., shall not be alienated or allotted. Further, as per para 3(c) (viii) at page-8, the ban non change of classification of tank bed lands shall be strictly enforced "

For the objections 6 & 7, as per the existing norms, alienation of tank bed lands is prohibited and hence, it is not feasible to alienate the land, as requested by the petitioner.

8. The petitioner has stated that as per a leading News Paper, dated: 01.12.2020, the same District Collector of Srikakulam assured Tridandi Chinna Jeeyar Swamy of handing over a site for construction of a Vedic University at Tarlikonda of Kotabommali (M). The Collector said that 209.84 acres of Hill/Government Poramboke in Sy.No.36 (1 to 11, 15) and 1B-1 at Tarlipeta (V), Kotabommali (M) would be physically handed over to the university authorities very soon after a survey.

In this regard, the land proposed for construction of a "Vedic University" at Tarlipeta Village of Kotabommali Mandal is classified as "Konda Poramboke" which is an un-objectionable poramboke, moreover the Govt. Issued orders for allotment of land to the Vedic University.

9. The petitioner has also stated that, the same District Collector of Srikakulam likely to be allotted 17.59 acres of Hill/Government Poramboke land in Sy.No.156 in Kothaddapanasa @ Kotturu (V), Saravakota (M) for the construction/development of Shri.Ayyappa Temple. Because, the construction of the said temple has started and 25% is already completed and there is no action by the District Collector.

The contention of the petitioner is not correct, as there is no such proposal in this office.

10. The petitioner has stated that, the Joint Committee did not observe (even under Sumoto) that as per I-B Record the Kakarla pond is extended in 22 acres (Approx) and there are many agricultural encroachments in Sy.No.48 also apart from 12.75 acres in Sy.No.59 and the office of the Petitioner which is in Sy No.59 is intentionally not included in the list of 89 beneficiaries even though electricity bills, Panchayat House tax etc., are in the name of the petitioner (Many of the 89 beneficiaries are fake/bogus).

The Joint Committee has been appointed for the purpose of verification of ground reality of Sy.No.59 of Chinadugam (V), Jalumuru Mandal, on the application filed by the applicant and hence, there is no need to verify remaining Survey Numbers by the Committee. Hence, the objection in this regard deserves no consideration.

It is pertinent to mention that, the petitioner said to have filed a representation on 27.12.2017 requesting the Chief Commissioner of Land Administration, A.P., Vijayawada and the District Collector, Srikakulam to allot an extent of Ac.10.00 in Sy.No.59 classified "Kakarta Pond", which is an objectionable tank poramboke of Chinagudam Village, Jalumuru Mandal in Srikakulam District.

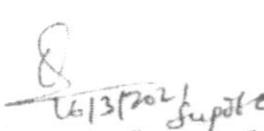
It is an irony that is under the disguise of protecting the tank from encroachment, the applicant raised before the esteemed Hon'ble National Green Tribunal which has been mandated with a noble task of protecting our environment for our future generations.

Thus, the applicant has the courage to seek the Hon'ble National Green Tribunal's help in destroying ecosystem further of the Kakarta Pond by asking for the allotment of land is appalling. It is clearly wasting the precious time of the Hon'ble National Green Tribunal and misguiding through continuous propaganda of tank protection, while actually aiming tank destruction.

In view of the circumstances explained above, the objection petition filed by the petitioner deserves no consideration and liable for dismissal. Accordingly, the objection petition is hereby dismissed.


16/3/21
Collector, Srikakulam.

To


16/3/2021
Ms. G. Bhargavi, President, Gareeb Guide (NGO) 741, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad (ByRPAD).

Copy submitted to the Hon'ble National Green Tribunal at Chennai through the Standing Counsel for the Hon'ble National Green Tribunal.

Copy to the Standing Counsel for the Hon'ble National Green Tribunal at Chennai for information and necessary action. She has also requested to serve the above orders on the petitioner and file the same before the Hon'ble NGT Chennai.

Copy to Dr.R. Sridar, Scientist "C", Regional Office, Ministry of Environment, Forests and Climate Change, 1st & 2nd Floor, HEPC building, No 34 Cathedral Garden Road, Nungambakkam, Chennai-600 034 (E-mail: sridhar_79@gov.in)

Copy to the Sub Collector Tekkali for information.

Copy to the Tahsildar, Jalumuru for information.

FURTHER ACTION TAKEN REPORT FILED BY THE DISTRICT COLLECTOR, SRIKAKULAM IN OA 92 OF 2020 BEFORE THIS HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI AS PER THE DIRECTION, DATED: 24.05.2022.

1. It is respectfully submitted that M/s Gareeb Guide (Voluntary Organization) has stated that, the Organization has filed a representation dt.26.12.2017 to the Chief Commissioner of Land Administration, Vijayawada and the District Collector, Srikakulam (the said representation was not received in this office) requesting to alienate the land to an extent of Ac.10.00 in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) for construction of Gareeb Guide's Heaven (Old age home & orphans home) for public purpose at Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) as per the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012.
2. It is respectfully submitted that, the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 says that, environmentally sensitive and fragile areas such as, tank beds, riverbeds, hillocks with afforestation etc., shall not be alienated or allotted. It is also submitted that, the required land in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) is classified as "Kakarla Pond" i.e., an objectionable Govt.Poramboke, which cannot be alienated or allotted to anybody, as per the orders of the Hon'ble Courts and as well as instructions of the Govt.
3. It is respectfully submitted that, the Applicant herein has filed a Writ Petition No.8493 of 2020 in the Hon'ble High Court of Andhra Pradesh at Amaravathi praying the Hon'ble Court to issue a Writ, Order or direction declaring the action of the Respondent Nos.4 & 5 (i.e., the Chief Commissioner of Land Administration, Vijayawada and the District Collector, Srikakulam respectively) in not allotting land to the petitioner for public purpose as illegal, violation of G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 and also direct the Respondent No.5 (District Collector, Srikakulam) to allow the Petitioner for temporary constructions for

public purpose in the said premises until further orders of this Hon'ble High Court as deem fit and proper in the circumstances of the case and that a detailed counter affidavit in this Writ Petition was also filed before the Hon'ble High Court of Judicature at Amaravathi and it is pending adjudication. **(Copy of Counter Affidavit is enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-I.**

4. It is respectfully submitted that, as the matter stood thus, the applicant herein has filed an OA No.92 of 2020 (SZ) at Chennai, challenging the action by Respondent No.2 (District Collector, Srikakulam) in acting in the interest of grabbers by allowing constructions like School, Panchayat Office, Temporary houses, unauthorized cultivation etc., in "Kakarla Pond" in Sy.No.59 in Chinnadugam (V) in Srikakulam District in the State of Andhra Pradesh as adversely affecting the ecosystem and the overall ecology of the area and thus there is substantial question relating to environment, where the community at large is affected by the environmental consequences and it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010.
5. It is respectfully submitted that, the Hon'ble National Green Tribunal, South Zone, Chennai has appointed a Joint Committee comprising the following Officers to inspect the area in question and submit a factual and action taken report, if there is any violation found.
 - i) A Senior Officer of Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai.
 - ii) A Senior Officer of Lake Protection Committee, Hyderabad
 - iii) The District Collector, Srikakulam.
6. In this connection, it is respectfully submitted that, among the 3 Joint Committee Members, one Dr.R. Sridhar, Scientist 'D', MoEF&CC, Regional Officer, Chennai and the Executive Engineer, A.P.Pollution Board, Regional Office, Srikakulam on behalf of the District Collector, Srikakulam have jointly inspected the scheduled land with the local revenue officials on 20.01.2021 and submitted the detailed Joint Inspection report to the Hon'ble National Green Tribunal for kind perusal.

7. It is respectfully submitted that, as per the directions of the Hon'ble Tribunal issued on 12.02.2021 in O.A.No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.15 of 2021 (SZ), a detailed proceedings in Rc.No.943/2020-E3, Dt.16.03.2021 have been issued to the Applicant herein on the objections dated 12.02.2021 filed by him. **(Copy of the Proceedings is enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-II.**
8. It is respectfully submitted that, as per the directions of the Hon'ble Tribunal issued on 12.11.2021 in O.A.No.92 of 2020 (SZ) & I.A.No.90 of 2022 (SZ), detailed remarks on the objections dated 13.11.2021 filed by the Applicant herein are now submitted separately to the Hon'ble Tribunal for kind perusal. **(Detailed remarks enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-III.**
9. It is respectfully submitted that, as per the revenue records, the Survey Number 59 with an extent of Ac.12.75 is classified as tank poramboke namely "Kakarla Pond" and the present ground status of the Survey Number 59 is detailed below,

Sl.No.	NATURE OF CONSTRUCTION/STRUCTURE	EXTENT COVERED (IN ACS.)	DURATION OF OCCUPATION/ CONSTRUCTION
1	MPP School	0.12	27 years
2	Panchayat Office (Now converted as RyothuBharosaKendram)	0.05	10 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	32 years
5	Field Channel	0.44	42 years
6	Occupations by 40 individuals for agricultural operations	7.24	17-32 years
7	Vacant land for Sri LaxmiNarasimhaSwamyYatra purpose	0.44	42 years
8	Stage for Sri LaxmiNarasimhaSwamyYatra	0.01	42 years
9	Nagadeveta Temple	0.02	20 years
	Total	12.75	

10. It is respectfully submitted that, the encroachments to an extent of Ac.7.68 (i.e., Sl.No.6 & 7 of the above table) covered by agricultural fields, have been evicted recently and a caution board stating that the land belongs to Government and the tress passers are punishable under law, has been erected on the land.

11. It is respectfully submitted that, the Tahsildar, Jalumuru has reported vide in Rc.No.204/2020-A, Dt.02.07.2022, stating that, the new compound wall constructed by one Smt.G. Kumari, Anganwadi worker in the Sy.No.59 i.e., "Kakarla Pond" has been demolished and also issued a warning to the Anganwadi Worker stating that further any unauthorized constructions in the tank area will be viewed seriously. **(Copy of the report of the Tahsildar, Jalumuru is enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-IV.**

In view of the circumstances explained above, it is respectfully submitted that, with regard to the other age old encroachments i.e., MPP School, Ryothu Bharosa Kendram, Houses of 89 BPL families, Black top road to facilitate the public at large of Chinnadugam Village, Field channel, stage and Nagadevata temple which are existing from long back in the scheduled land, the Government through the Chief Commissioner of Land Administration vide this office Rc.No.943/2020-E3, Dt.05.07.2022, has been requested to examine the case and to issue necessary instructions to proceed further action taken with due process of law in this matter, in order to avoid law and order problem **(Copy of the letter is enclosed for kind perusal of the Hon'ble Tribunal) ANNEXURE-V.**

This is submitted for kind information

Dated at Srikakulam on this the 5th day of July 2022.



**DISTRICT COLLECTOR,
SRIKAKULAM.**

AS PER THE DIRECTION, DATED: 14.07.2022 PASSED BY THE HON'BLE NGT(SZ) CHENNAI IN O.A.No. 92 of 2020, THE DETAILED COMPLIANCE REPORT IS SUBMITTED ON THE FOLLOWING FRESH OBJECTIONS, DATED: 26.07.2022 FILED BY THE APPLICANT

MOST RESPECTFULLY SHOWETH AS FOLLOW:

It is respectfully submitted that, the contention of the Applicant is:

(A) On one hand it was mentioned in the said reports that the Applicant herein has requested to alienate the land to an extent of Ac.10.00 in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District which is classified as "Kakarla Pond". But the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 says that, environmentally sensitive and fragile areas such as, tank beds, riverbeds, hillocks with afforestation etc., shall not alienated or allotted.

On the other hand

- (i) There are 89 age old residential houses of BPL category people, one MPP School, Rythu Bharosa Kendram (Panchayat Office), CC road from Narasannapeta-Pathapatnam road to Chinnadugam Village, Field Channel, Nagadevata temple etc., are existing in the scheduled land.
- (ii) The District Collector, Srikakulam sanctioned compound wall for MPPE School etc., in Sy No.59 of Chinnadugam (V) on 13.08.2020 and the construction work started and completed in December, 2020.

Paras (A) i & ii : In reply to the objections at Paras (A) i & ii, it is respectfully submitted that, the Applicant herein has requested to alienate the land to an extent of Ac.10.00 in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District which is classified as "Kakarla Pond" and it is an objectionable tank poramboke. But, the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 says that, environmentally sensitive and

fragile areas such as, tank beds, river beds, hillocks with afforestation etc., shall not be alienated or allotted.

Regarding the age old constructions existing in an extent of Ac.5.07 (out of the total extent of Ac.12.75) in Sy.No.59 classified as "Kakarla Pond", it is respectfully submitted that, the Govt. through the Chief Commissioner of Land Administration, Mangaligi has been requested vide in this office Rc.No.943/2020-E3, Dt.05.07.2022 to examine the present ground reality and to issue suitable instructions to proceed further in this matter, in order to avoid law and order problem.

Regarding construction of compound wall to MPPE School, Chinnadugam Village, Jalumuru Mandal, Srikakulam District, it is respectfully submitted that, the construction work was already stopped by the revenue authorities in the year 2020 and after that no construction work for the MPPE School was happened till to date. Hence, the allegations are not correct.

(B) On one hand it was mentioned in the said reports that as per para (g) of the Govt.Memo.No.33571/Assn.1(2), Revenue (Assn.1) Dept., Dt.14.09.2012, as per para - 3(a)(ii) at page No.6 says that, only waste and dry lands should be proposed for alienation and wet, irrigated lands should not normally be considered for such as, tank beds, river beds, hillocks with afforestation etc., should not be alienated or allotted. Further, as per para 3(c)(viii) at page:8, the ban on change of classification of tank bed lands shall be strictly enforced.

However, as per the directions of the District Administration, the Tahsildar, Jalumuru has carried out the eviction of encroachments which are made by way of agricultural fields in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District, except the other age old buildings/structures, which needs specific orders from the Govt.

Para- (B): In reply to the objections at **Para (B)** , it is respectfully submitted that, in compliance to the orders of the Hon'ble High Court and the National Green Tribunal (SZ), the occupations by way of agricultural encroachments in an extent of Ac.7.68 (out of the total extent of Ac.12.75) in Sy.No.59 classified as "Kakarla Pond" of Chinnadugam Village, Jalumuru Mandal, Srikakulam have been got evicted and a caution board stating that the land belongs to Govt. and the occupants are liable for punishment has also been erected on the said land. Further, there are 89 age old residential houses of BPL category people, one MPP School, Ryothu Bharosa Kendram (Panchayat Office), CC road from Narasannapeta-Pathapatnam to Chinadugam Village, Field Channel, Nagadevata Temple etc., are existing in the scheduled land and hence, the Govt. through the Chief Commissioner of Land Administration, Mangaligi vide in this office Rc.No.943/2020-E3, Dt.05.07.2022 has been requested to examine the present ground reality and to issue suitable instructions to proceed further in this matter (copy enclosed as Annexure-I).

On the other hand

- i. The Government of Andhra Pradesh vide G.O.Ms.No.446, Revenue (Assignment) Department, Dt.14.10.2016 has alienated an extent of Ac.209.84 in Sy.No.36/1 which is classified as "Konda Poramboke/Hillock" in Tarlipeta Village, Kotabommali Mandal, Srikakulam District in favour of "Srimath Ubhaya Vedantacharya Peetham" for establishment of "Vedic University" on payment of marked value.

Para (B) i: In reply to the objections at **Para (B) i**, It is respectfully submitted that, the Government of Andhra Pradesh vide G.O.Ms.No.446 Revenue (Assignment-I) Dept., Dt.14.10.2016 has alienated an extent of Ac.209.84 in Sy.No.36/1 which is classified as

“Konda Poramboke” in Tarlipeta Village, Kotabommali Mandal, Srikakulam District in favour of “Srimath Ubhaya Vedantacharya Peetham” for establishment of “Vedic University” on payment of market value, since the land in question is an unobjectionable poramboke. (Copy of the G.O. enclosed as Annexure-II)

- ii. As per the revenue records and the survey reports the Kakarla Pond extended in Sy.No.48 (In Acres 22.20) & in Sy.No.59 (In Acres 12.75) in Chinnadugam Village, Jalumuru Mandal, Srikakulam District. There are two Inlets to Kakarla Pond i.e., one is from Koneru Pond (grabbed by Mr.Gondu Simmanna & Others) and there is only one Outlet to Peddadugam Tank (grabbed by Mr.Peesa Srinivasa Rao & Others). But there is no action by the Respondents to protect the inlets and outlet of Kakarla Pond with an intention to do favour to the above grabbers.

Para (B) ii: In reply to the objections at Para (B) ii, It is respectfully submitted that, as per the revenue records, the Survey No.59 of Chinnadugam Village, Jalumuru Mandal is classified as “Kakarlavani Cheruvu” with an extent of Ac.12.75 and the Survey No.48/1 of Chinnadugam Village, Jalumuru Mandal is also classified as “Kakarlavani Cheruvu” with an extent of Ac.21.08, but both the tanks are not the same and after formation of Narasannapeta Branch Canal (NBC) under Vamsadhara Project in the year of 1978, the Narasannapeta Branch Canal (NBC) was formed in north part of “Kakarlavani Cheruvu” Tank bund in Sy.No.48/1 of Chinnadugam Revenue Village, Jalumuru Mandal, Srikakulam District and at present there was no tank appearance on ground and at present there was no inlet and outlet canals occurred in Kakarlavani Cheruvu, but the outlets are north side of Narasannapeta Branch Canal (NBC) which is formed north side of Kakarlavani Tank bund

and the outlets are formed in Zeroyathi lands of ryots which are presently irrigating and the said outlets are not encroached by any one.

Prayer

It is respectfully submitted that, there are age old encroachments in the Kakarla Pond which cannot be evicted now. Further there is a law and order problem in the village in respect of the subject land. Now the petitioner is requesting for alienation of land in the tank and the same is not feasible in view of the Hon'ble Supreme Court Orders on alienation of objectionable porambokes in C.A.No.4787/2001 dt.25.07.2001 and hence the petitioner is frequently approaching the Hon'ble NGT with different pleas. It is humbly prayed that the Hon'ble NGT may consider the present status of the pond and kindly drop further action in this matter.

This is submitted for kind information

Dated at Srikakulam on this the 1st day of August, 2022.



**DISTRICT COLLECTOR,
SRIKAKULAM,**

*Santhosh
2/8/2022*

*2/8/2022
Supdt E*

Rc.No.943/2020-E3, Dt.05.07.2022.Collector's Office, Srikakulam.

From
Sri Shrikesh Lathkar, I.A.S.,
District Collector,
Srikakulam.

To
The Principal Secretary to Government,
Revenue Department,
A.P.Secretariat, Velagapudi, Amaravathi,
Guntur District.

(Through the Chief Commissioner of Land Administration, A.P., Mangalagiri)

Madam,

Sub:- Suits – Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organization) Rep.by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, in the Hon'ble Hon'ble National Green Tribunal, Sitting at Chennai – Instructions sought for – Request – Reg.

- Ref:- 1 W.P.No.8493/2020 filed by Gareeb Guide (Voluntary Organization) accredited by the Telangana State Legal Services Authority vide No. 01/TLSA/ACRDT/RR/2015, Dated 12.03.2015 Rep.by its President Ms. G. Bhargavi, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad in the Hon'ble High Court of A.P. at Amaravathi.
- 2 This office Rc.No.943/2020-E1, Dt.07.05.2020.
- 3 Hon'ble High Court orders dated 07.05.2020 in IA No.1/2020 in W.P.No. 8493/2020.
- 4 This office Rc.No.943/2020-E1, Dt.13.05.2020.
- 5 This office Rc.No.943/2020-E1, Dt.18.05.2020.
- 6 Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (NGO) Rep.by its President Ms. G. Bhargavi, Hyderabad before the Hon'ble NGT, Sitting at Chennai.
- 7 This office brief instructions / facts in Rc.No.943/2020-E1, Dt.01.07.2020 sent to the Government Pleader, NGT, Chennai.
- 8 Orders dated 02.07.2020 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 9 EP/12.7/NGT(SZ)/26/2020/AP, Dt.13.07.2020 of the Deputy Director General of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office (South Easterns Zone), Chennai.
- 10 This office Progs. Rc No.943/2020-E3, Dt.31.07.2020.
- 11 Rc.No.636/2020/A/Dt.12.09.2020 of the Joint Inspection Committee.
- 12 Rc.No.636/2020/A/Dt.12.09.2020 of the Joint Inspection Committee (revised report received in office on 05.10.2020).
- 13 Orders dated 04.01.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 14 Joint Inspection Report received on 28.01.2021 from Dr.R.Sridhar, Nodal Officer.
- 15 Objections dated 12.02.2021 filed the Gareeb Guide (NGO) Rep.its Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad.
- 16 Orders dated 12.02.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.16 of 2021 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 17 This office Progs Rc.No.943/2020-E3, Dt.16.03.2021.
- 18 Orders dated 12.11.2021 in Original Application No.92 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 19 Fresh objections dt.13.11.2021 filed by the Applicant on the direction dt.12.11.2021 of Hon'ble Tribunal in O.A.92 of 2020.
- 20 Orders dated 24.05.2022 in Original Application No.92 of 2020 (SZ) & I.A.No.90 of 2022 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
- 21 Memo.No.1357/Section.II/2022(1747726), Environment, Forest, Science and Technology (Section-II) Department, Dt.08.06.2022.

I invite kind attention to the references cited.

It is submitted that, M/s. Gareeb Guide (Voluntary Organization) Rep.by its President Ms. G. Bhargavi, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad stated that, the Organization has filed a representation dt.26.12.2017 to the Chief Commissioner of Land Administration, Vijayawada and the District Collector, Srikakulam (the said representation was not received in this office) requesting to alienate the land to an extent of Ac.10.00 in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) for construction of Gareeb Guide's Heaven (Old age home & orphans home) for public purpose at Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) as per the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012.

In this connection, it is submitted that, the land applied for in Sy.No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District (AP) is classified as "Kakarla Pond" i.e., an objectionable Govt. Poramboke, which cannot be alienated or allotted to anybody, as per the orders of the Hon'ble Courts and as well as instructions of the Govt.

Aggrieved by the above, the applicant has filed a W.P.No. 8493/2020 in the Hon'ble High Court of A.P. at Amaravathi, impleading the following as Respondents and prayed the Hon'ble Court to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.4 & 5 is not allotting land to the petitioner for public purpose as illegal, arbitrary, violation of G.O.Ms.No.571, dated 14.09.2012, Revenue (Assignments-I) Dept., and this Hon'ble Court order dated 21.01.2014 passed in W.P.No.31764 of 2013 and article 21 of Constitution of India and pass such other order or orders may deem fit and proper in the circumstances of the case and also prayed the Hon'ble Court that pending disposal of the above Writ Petition, it is also just and necessary that this Hon'ble Court may be pleased to direct the Respondent No.5 to allow the Petitioner for temporary constructions for public purpose in the said premises until further orders of this Hon'ble Court and pass such other order or orders may deem fit and proper in the circumstances of the case.

1. Union of India Rep.by Pri.Secretary, Ministry of Home Affairs, New Delhi.
2. State of Andhra Pradesh Rep.by its Chief Secretary to Govt., Department of General Administration, Secretariat, Amaravathi.
3. Government of Andhra Pradesh, Rep.by its Pri.Secretary to Govt., Dept of Revenue, Secretariat, Amaravathi.
4. The Chief Commissioner of Land Administration (APLMA), D.No.22-19, Floor-II, Block-A, Jasthi Tower, Saipuram Colony Road, Gollapudi, Vijayawada.
5. Collector, Srikakulam District, Srikakulam.

In this connection, it is submitted that, fair counter affidavits have been submitted to the Hon'ble High Court of A.P. at Amaravathi, in the above Writ Petition and the case is still pending for adjudication.

As the matter stood thus, the same petitioner has filed Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) in the Hon'ble National Green Tribunal, Southern Zone, Chennai impleading the Chief Secretary to Govt, AP Secretariat and the District Collector, Srikakulam as the Respondents 1 and 2 respectively, challenging the action by Respondent No.2 in acting in the interest of grabbers by allowing constructions like School, Panchayat Office, Temporary houses, unauthorized cultivation etc., in "Kakarla Pond" in Sy.No.59 in Chinnadugam (V) in Srikakulam District in the State of Andhra Pradesh as adversely affecting the ecosystem and the overall ecology of the area and thus there is substantial question relating to environment, where the community at large is affected by the environmental consequences and it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010.

In this connection, the Hon'ble National Green Tribunal, South Zone, Chennai has appointed a Joint Committee comprising a Senior Officer of Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai, a Senior Officer of Lake Protection Committee, Hyderabad and the District Collector, Srikakulam to inspect the area in question and submit a factual and action taken report, if there is any violation found.

It is also submitted that, among the 3 Joint Committee Members, one Dr.R. Sridhar, Scientist 'D', MoEF&CC, Regional Officer, Chennai and the Executive Engineer, A.P.Pollution Board, Regional Office, Srikakulam on behalf of the District Collector, Srikakulam have jointly inspected the scheduled land with the local revenue officials on 20.01.2021 and submitted the detailed Joint Inspection report to the Hon'ble National Green Tribunal for kind perusal.

It is also submitted that, as per the revenue records, the Survey Number 59 covering an extent of Ac.12.75 is classified as tank poramboke namely "Kakarla Pond" (Abandoned tank) and the present ground reality of the Survey Number 59 is detailed below:

Sl. No.	Nature of construction/structure	Extent covered (in Acs.)	Duration of occupation/ construction	Remarks
1	MPP School	0.12	27 years	
2	Panchayat Office (Now converted as Ryothu Bharosa Kendram)	0.05	10 years	
3	Covered by houses constructed by 89 BPL families	4.02	27 years	
4	Black top road formed from Narasannapeta-Pathapatnam road to Chinnadugam Village	0.55	32 years	
5	Field Channel	0.44	42 years	
6	Occupations by 40 individuals for agricultural operations	7.24	17-32 years	Evictions carried out recently
7	Vacant land for Sri Laxmi Narasimha Swamy Yatra purpose	0.44	42 years	
8	Stage for Sri Laxmi Narasimha Swamy yatra	0.01	42 years	
9	Nagadeveta Temple	0.02	20 years	
	Total	12.75		

It is further submitted that, the encroachments to an extent of Ac.7.68 (i.e., Sl.No.6 & 7 of the above table) covered by agricultural fields, have been evicted recently and a caution board stating that the land belongs to Government and the tress passers are punishable under law, has been erected on the land. In the remaining land, there are age old permanent structures by way of dwelling houses of 89 BPL families, one MPP School, RBK etc., existed in the remaining extent of Ac.5.07 in the abandoned tank "Kakarla pond" of Chinnadugam Village, Jalumuru Mandal, Srikakulam District.

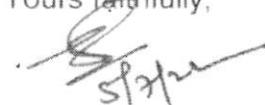
It is submitted that, on the series of complaints filed by the above organization, so far, the occupations for an extent of Ac.7.68, which are feasible for eviction have been get evicted and the age old structures were not evicted so far on the reason to avoid law and order problem. The Hon'ble National Green Tribunal, Chennai is asking to submit further report on each of the objection filed by the organization about the occupations/remaining structures in the tank bed land.

Reports of Joint Committee which are submitted to the Hon'ble National Green Tribunal, Chennai are enclosed for kind perusal.

In view of the circumstances explained above, it is requested that, necessary instructions may be issued regarding the age old permanent constructions i.e., MPP School, Ryothu Bharosa Kendram, Houses of 89 BPL families, Black top road to Chinnadugam Village, Field channel, one stage and Nagadevata temple which are existing from long back in the scheduled land, at an early date.

Copies of interim orders passed by the Hon'ble National Green Tribunal in the references 8th, 13th, 16th, 18th and 20th cited are enclosed for kind perusal and further instructions in this matter.

Yours faithfully,


District Collector,
Srikakulam.

Copy to the Principal Secretary to Government, Revenue Department, A.P.Secretariat, Velagapudi, Amaravathi, Guntur District.

Government of Andhra Pradesh
Water Resources Department

ANNEXURE-9

From
Sri D.S.Pradeep, B.Tech.,
Executive Engineer, W.R.Dept.,
BRR Vamsadhara Project
Maintenance Division,
Narasannapeta.

To
The Tahsildar,
Jalumuru

Lr.No.EE/Mtc.Divn/Npeta/DB/

126 M.

Dt. 03-04-2023

Sir,

Sub: Suits- Original Application NO.92 of 2020 & I.A.No.45 of 2020(SZ) filed by Gareeb Guide (Vountary Organization) Rep. by its President Ms.G.Bhargavi, Bahar, Sahara states, LB Nagar, Hyderabad, in the Hon'ble National Green Tribunal, sitting at Chennai- sy.No.59 and 48/1- Kakrlavani Cheruvu-Chinadugam Village, jalumuru mandal srikakulam district -submitted- Regarding.

Ref: 1. Rc No.197/2020, SA Date. 25.03.2023 of Tahsildar, Jalumuru
2.Rc NO :636/2020/ dt 12.09.2020

3. The Dy. Executive Engineer, BRR Vam.Proj. Maintenance Sub Division, Narasannapeta Lr.No. 25EE Dt.30.03.2023

With the references to the above cited, it is to inform that, the Kakarlavani tank was an abandoned tank and it was not covered in the list of tanks handed over by the Panchayat Raj Department to Water Resources Department(vamsadhara) in the year 2005. And this department is not feeding the tank from vamsadhara canals.Further it is also submitted that even though after the formation of Narasannapeta branch canal was in 1978, the Kakarlavani tank was not in our system fed tanks and remained as abandoned.

Further it is to inform that, there was no tank appearance on ground in reference 2nd cited. In this connection I am here with submitting that the question of reopen the two inlets and outlets does not arise. Regarding Kakarlavani tank in Chinadugam Village i herewith submit the explanatory sketch prepared during the joint inspection.

This is submitted for favor of information and taking further necessary action.

Yours faithfully,

6/4/23
Executive Engineer, W.R.Dept.,
BRR Vamsadhara Project
Maintenance Division,
Narasannapeta

FURTHER ACTION TAKEN REPORT FILED BY THE DISTRICT COLLECTOR, SRIKAKULAM IN O.A.No.92 of 2020, MOST RESPECTFULLY SHOWETH AS FOLLOW:

1. It is respectfully submitted that, M/s. Gareeb Guide (Voluntary Organization) has stated that, the Organization has filed a representation dt.26.12.2017 to the Chief Commissioner of Land Administration, Vijayawada and the District Collector, Srikakulam (the said representation was not received in this office) requesting to alienate the land to an extent of Ac.10.00 in Sy.No.59 of Chinradugam Village, Jalumuru Mandal, Srikakulam District (AP) for construction of Gareeb Guide's Heaven (Old age home & orphans home) for public purpose at Chinnadugam Village, Jalumuru Mandal, Srikakulam District (A.P) as per the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012.(ANNEXURE-1)
2. It is respectfully submitted that, the G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 says that, environmentally sensitive and fragile areas such as, tank beds, river beds, hillocks with afforestation etc., shall not be alienated or allotted. It is also submitted that, the required land in Sy.No.59 of Chinradugam Village, Jalumuru Mandal, Srikakulam District (AP) is classified as "Kakarla Pond" (i.e., an objectionable Govt. tank Poramboke, which could not be alienated or allotted to anybody, as per the orders of the Hon'ble Court in W.P.No.23829 of 1997, Common Orders dated 20.10.2022 in Suo-Moto (PIL) No.198 of 2022 and as well as instructions of the Govt.
3. It is respectfully submitted that, the Applicant herein has filed a Writ Petition No.8493 of 2020 in the Hon'ble High Court of Andhra Pradesh at Amaravathi praying the Hon'ble Court to issue a Writ, Order or direction declaring the action of the Respondent Nos.4 & 5 (i.e., the Chief Commissioner of Land Administration, Vijayawada and the District Collector,

Srikakulam respectively) in not allotting land to the petitioner for public purpose as illegal, violation of G.O.Ms.No.571, Revenue (Assignment-I) Department, Dt.14.09.2012 and also direct the Respondent No.5 (District Collector, Srikakulam) to allow the Petitioner for temporary constructions for public purpose in the said premises until further orders of this Hon'ble High Court as deem fit and proper in the circumstances of the case and that a detailed counter affidavit in this Writ Petition was also filed before the Hon'ble High Court of Judicature at Amaravathi and it is pending adjudication. **(ANNEXURE-2)**

4. It is respectfully submitted that, as the matter stood thus, the applicant herein has filed an OA No.92 of 2020 (SZ) at Chennai, to challenge the action by Respondent No.2 (District Collector, Srikakulam) in acting in the interest of grabbers by allowing constructions like School, Panchayat Office, Temporary houses, unauthorized cultivation etc., in "Kakarla Pond" in Sy.No.59 in Chinnadugam (V), Jalumuru Mandal, Srikakulam District in the State of Andhra Pradesh as adversely affecting the ecosystem and the overall ecology of the area and thus there is substantial question relating to environment, where the community at large is affected by the environmental consequences and it is a continuing violation of the provisions of enactment specified in Schedule 1 of the National Green Tribunal Act, 2010.
5. It is respectfully submitted that, the Hon'ble National Green Tribunal, South Zone, Chennai has appointed a Joint Committee dated 02.07.2020 comprising the following Officers to inspect the area in question and submit a factual and action taken report, if there is any violation found. **(ANNEXURE-3)**
 - i) A Senior Officer of Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai.
 - ii) A Senior Officer of Lake Protection Committee, Hyderabad

- iii) The District Collector, Srikakulam.
6. In this connection, it is respectfully submitted that, among the 3 Joint Committee Members, one Dr.R. Sridhar, Scientist 'D', MoEF&CC, Regional Officer, Chennai and the Executive Engineer, A.P.Pollution Board, Regional Office, Srikakulam on behalf of the District Collector, Srikakulam have jointly inspected the scheduled land with the local revenue officials on 20.01.2021 and submitted the detailed Joint Inspection report to the Hon'ble National Green Tribunal for kind perusal. (**ANNEXURE-4**)
7. It is respectfully submitted that, as per the directions of the Hon'ble Tribunal issued on 12.02.2021 in O.A.No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.15 of 2021 (SZ), a detailed proceedings in Rc.No.943/2020-E3, Dt.16.03.2021 have been issued to the Applicant herein on the objections dated 12.02.2021 filed him. (**ANNEXURE-5**)
8. It is respectfully submitted that, as per the directions of the Hon'ble Tribunal issued on 12.11.2021 in O.A.No.92 of 2020 (SZ) & I.A.No.90 of 2022 (SZ), on the objections dated 13.11.2021 filed by Applicant compliance report has been submitted to the Hon'ble Tribunal on 05.07.2022 for kind perusal. (**ANNEXURE-6**)
9. It is respectfully submitted that, 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), on the fresh objections dated 26.07.2022 filed by the Applicant, detailed compliance report has been submitted to the Hon'ble Tribunal on 02.08.2022 for kind perusal. (**ANNEXURE-7**)
10. It is respectfully submitted that, as per the revenue records, the Survey Number 59 with an extent of Ac.12.75 is classified as tank poramboke namely "Kakarla Pond" and the present ground status of the Survey Number 59 is detailed below:

Sl. No.	Nature of construction/structure	Extent covered (in Acs.)	Duration of occupation/ construction
1	MPP School	0.12	27 years
2	Panchayat Office (Now converted as Ryothu Bharosa Kendram)	0.05	10 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	32 years
5	Field Channel	0.44	42 years
6	Occupations by 40 individuals for agricultural operations	7.24	17-32 years
7	Vacant land for Sri Laxmi Narasimha Swamy Yatra purpose	0.44	42 years
8	Stage for Sri Laxmi Narasimha Swamy yatra	0.01	42 years
9	Nagadeveta Temple	0.02	20 years
	Total	12.75	

11. It is respectfully submitted that, out of the total extent of Ac.12.75, the encroachments covered by agricultural fields with an extent of Ac.7.68 (i.e., Sl.No.6 & 7 of the above table) which is vacant on ground have been evicted and a caution board stating that the land belongs to Government and the encroachers are punishable under law has been erected on the land.

12. It is respectfully submitted that, there are 89 age old residential houses of BPL category people, one MPP School, Ryothu Bharosa Kendram (Old Panchayat Office), CC road from Narasannapeta-Pathapatnam to Chinadugam Village, Field Channel, Nagadevata temple etc., are existing in the scheduled land in an extent of Ac.5.07 and hence, the Govt. through the Chief Commissioner of Land Administration, Mangalagiri vide in this office Rc.No.943/2020-E3, Dt.05.07.2022 has been requested to examine the present

ground reality and to issue suitable instructions to proceed further in this matter.(ANNEXURE-8)

13. Except the above age old constructions, no permissions or encroachments allowing in the subjected land.
14. Further it is submitted that, the Executive Engineer, Water Resource Department, BRR Vamsadhara Project, Narasannapeta Mandal vide in their Lr.No.EE/Mtc.Divn./Npeta/DB/126M/Dt.03.04.2023 has reported that, the Kakarlavani tank was an abandoned tank and it was not covered in the list of tanks handed over by the Panchayat Raj Department to Water Resources Department (Vamsadhara) in the year 2005 and their department is not feeding the tank from Vamsadhara canals and further even though after the formation of Narasannapeta branch canal in 1978, the Kakarlavani tank was not in their system fed tanks and there was no tank appearance on ground and remained as abandoned and that the question of reopen the two inlets and outlets does not arise. duly enclosing the explanatory sketch prepared during the joint inspection of the subjected site. (Copy of the report of the EE, Vamsadhara Project, Narasannapeta and explanatory sketch are enclosed for kind perusal).(ANNEXURE-9)

In view of the circumstances explained above, it is respectfully submitted that, the O.A.No.92 of 2020 may kindly disposed off, as deemed fit and proper in the circumstances of the case.

Dated at Srikakulam on this the 16th day of April 2023.


16/4/23
District Collector,
Srikakulam.

Item Nos.1 & 9:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Executive Application No.03 of 2023 (SZ) in
Original Application No. 92 of 2020(SZ)
AND
Original Application No. 92 of 2020(SZ)

IN THE MATTER OF:

Gareeb Guide (NGO).

...Applicant(s)

Versus

State of Andhra Pradesh,
Through its Chief Secretary & Anr.

...Respondent(s)

Date of hearing: 17.04.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. D. V. Rao.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 & R2.

ORDER

1. The Execution Application [E.A. No.03 of 2023 (SZ)] is connected to the Original Application No.92 of 2020 (SZ) in which the above Execution Application is filed.
2. On 01.12.2022, this Tribunal had passed an order directing the District Collector - Srikakulam to clear the encroachments, restore the inlets to the water tank and a file report along with the revenue records relating to the same with respect to Survey No.59.
3. According to the applicant, the District Collector has not obeyed the said order. Hence, he has filed this Executive Application.
4. However, today, the District Collector - Srikakulam has filed a response stating that in Survey No.59, an extent of 12.75 Acres is classified as Tank Poramboke viz., Kakarla Pond. Further, they have furnished a tabular column, in which, the details of the nature of construction/structure, extent and duration of occupation/ construction are furnished. The above structures are there in existence between 10 and 42 years. Of the 12.75 Acres, an extent of 7.68 Acres 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. Similarly, it is the duty of the District Collector to restore the rest of the extent of the pond also.

5. It is also now stated that the said Kakarla Pond is extended to another Survey No.48. If that is so, let the District Collector find out the total extent of the area available for the purpose of the Kakarla Pond to ensure that they are encroachment free with the inlets and outlets cleared. As it is stated that even if any of the water bodies are put to disuse, it will not take away the character of the same and should be retained only as a water body.
6. Let the District Collector 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.
7. Post the matter on 11.07.2023.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

E.A. No.03/2023 (SZ) &
O.A. No.92/2020(SZ)
17th April, 2023. AD.

Rc.No.943/2020/E3, Dt.26.05.2022

Collector's Office, Srikakulam.

FROM

Sri Shrikesh Lathkar, I.A.S.,
District Collector,
Srikakulam.

TO

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

Sir,

Sub: Suits – Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organization) Rep by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, in the Hon'ble National Green Tribunal, Sitting at Chennai – Request to take necessary action – Report called for – Regarding.

- Ref:**
1. W.P.No.8493/2020 filed by Gareeb Guide (Voluntary Organization) accredited by the Telangana State Legal Services Authority vide No. 01/TLSA/ACRDT/RR/2015, Dated 12.03.205 Rep. by its President Ms. G. Bhargavi, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad in the Hon'ble High Court of A.P. at Amaravathi.
 2. This office Rc.No.943/2020/E1, Dt.07.05.2020.
 3. Hon'ble High Court orders dated 07.05.2020 in IA No.1/2020 in W.P.No.8493/2020.
 4. This office Rc.No.943/2020/E1, Dt.13.05.2020.
 5. This office Rc.No.943/2020/E1, Dt.18.05.2020.
 6. Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (NGO) Rep. by its President Ms. G. Bhargavi, Hyderabad before the Hon'ble NGT, Sitting at Chennai.
 7. This office brief instructions/ facts in Rc.No.943/2020/E1, Dt.01.07.2020 sent to the Government Pleader, NGT, Chennai.
 8. Orders dated 02.07.2020 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 9. EP/12.7/NGT(SZ)/26/2020/AP, Dt.13.07.2020 of the Deputy Director General of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office (South Easterns Zone), Chennai.
 10. This office Progs. Rc.No.943/2020/E3, Dt.31.07.2020.
 11. Rc.No.636/2020/A/Dt.12.09.2020 of the Joint Inspection Committee.
 12. Rc.No.636/2020/A/Dt.12.09.2020 of the Joint Inspection Committee (revised report received in office on 05.10.2020).
 13. Orders dated 04.01.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 14. Joint Inspection Report received on 28.01.2021 from Dr.R.Sridhar, Nodal Officer.
 15. Objections dated 12.02.2021 filed the Gareeb Guide (NGO), Rep. its Rep. by its President Ms. G. Bhargavi President, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad.
 16. Orders dated 12.02.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.16 of 2021 (SZ) of the Hon'ble

- National Green Tribunal, Southern Zone, Chennai.
17. This office Progs.Rc.No.943/2020-E3, Dt.16.03.2021.
 18. Orders dated 12.11.2021 in Original Application No.92 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 19. Fresh objections dt.13.11.2021 filed by the Applicant on the direction dt.12.11.2021 of Hon'ble Tribunal in O.A.92 of 2020.
 20. Orders dated 24.05.2022 in Original Application No.92 of 2020 (SZ) & I.A.No.90 of 2022 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 21. Memo.No.1357/Section.II/2022(1747726), Environment, Forest, Science and Technology (Section-II) Department, Dt.08.06.2022.
 22. Joint Committee report dt.05.07.2022 from Dr.Suresh Babu P., JD, (MoEF&CC), IRO, Vijayawada.
 23. Orders dt.14.07.2022 of the Hon'ble NGT (SZ), Chennai in O.A.No.92 of 2020.
 24. Fresh objections dated 26.07.2022 filed by Gareeb Guide Organization.
 25. Rc.No.197/2020-SA/Dt.01.08.2022 of the Tahsildar, Jalumuru.
 26. Rc.No.197/2020-A/Dt.15.04.2023 of the Tahsildar, Jalumuru.
 27. Lr.No.EE/Mtc.Divn./Npeta/DB/126M/Dt.03.04.2023 of the EE, Vamsadhara Project, Narasannapeta.
 28. Further action taken report by the District Collector, Srikakulam Dt.16.04.2023 submitted to Hon'ble NGT, Chennai, through the Standing Council.
 29. Orders dt.17.04.2022 of the Hon'ble NGT (SZ), Chennai in Executive Application No.3 of 2023 (SZ) in O.A.No.92 of 2020 (SZ).
 30. Note orders of the District Collector, Srikakulam, Dt.28.04.2023.

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It is informed that, Gareeb Guide (Voluntary Organization) 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 Sy.No.59 Kakarla Pond of Chinnadugam Village, Jalumuru Mandal, Srikakulam District.

In this connection, on the orders dated 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.

After perusing the Joint Committee report and also compliance report to the objections filed by the applicant, the Hon'ble NGT, duly posted the case to 03.08.2022 has issued the following directions on 14.07.2022 that:

1. 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.
2. 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.
3. 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.

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.

In this connection, in the references 26th and 27th further reports have been obtained from the Tahsildar, Jalumuru and the Executive Engineer, Vamsadhara Project, Narasannapeta respectively and this office further action report has also been submitted to the Hon'ble NGT through the standing Council vide reference 28th cited.

The Hon'ble NGT, Chennai has perused the above further action taken report and issued the following order on 17.04.2023 duly posted the case to 11.07.2023.

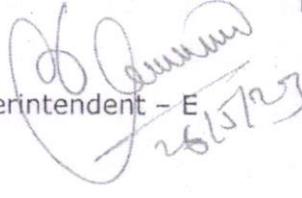
1. The Execution Application [E.A. No.03 of 2023 (SZ)] is connected to the Original Application No.92 of 2020 (SZ) in which the above Execution Application is filed.
2. On 01.12.2022, this Tribunal had passed an order directing the District Collector - Srikakulam to clear the encroachments, restore the inlets to the water tank and file a report along with the revenue records relating to the same with respect to Survey No.59.
3. According to the applicant, the District Collector has not obeyed the said order. Hence, he has filed this Executive Application.
4. However, today, the District Collector - Srikakulam has filed a response stating that in Survey No.59, an extent of 12.75 Acres is classified as Tank Poramboke viz., Kakarla Pond. Further, they have furnished a tabular column, in which, the details of the nature of construction/structure, extent and duration of occupation/ construction are furnished. The above structures are there in existence between 10 and 42 years. Of the 12.75 Acres, an extent of 7.68 Acres 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. Similarly, it is the duty of the District Collector to restore the rest of the extent of the pond also.
5. It is also now stated that the said Kakarla Pond is extended to another Survey No.48. If that is so, let the District Collector find out the total extent of the area available for the purpose of the Kakarla Pond to ensure that they are encroachment free with the inlets and outlets cleared. As it is stated that even if any of the water bodies are put to disuse, it will not take away the character of the same and should be retained only as a water body.
6. Let the District Collector 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.
7. Post the matter on 11.07.2023.

In view of the above position, you are requested 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 Sy.No.48 of Chinnadugam Village of Jalumuru Mandal and submit the joint field inspection report to this office by **05.06.2023** positively, so as enable this office to submit the further reports to the Government and Hon'ble NGT, Chennai. A copy of the orders dt.17.04.2022 of the Hon'ble NGT (SZ), Chennai in Executive Application No.3 of 2023 (SZ) in O.A.No.92 of 2020 (SZ) is herewith enclosed for information and necessary action in this matter.

Encl: As above

**Yours faithfully,
Sd/- M.Rajeswari,
District Revenue Officer,
For Collector, Srikakulam**

//t.c.f.b.o.//


Superintendent - E
26/5/23

Copy to the PS to Collector/ PS to JC/ CC to DRO/ AO

Rc.No.943/2020/E3, Dt.26.05.2022

Collector's Office, Srikakulam.

FROM

Sri Shrikesh Lathkar, I.A.S.,
District Collector,
Srikakulam.

TO

- 1) Te Revenue Divisional Officer,
Srikakulam,
- 2) The Tahsildar, Jalumuru.

Sir,

Sub: Suits - Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organization) Rep by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, in the Hon'ble National Green Tribunal, Sitting at Chennai - Request to take necessary action - Report called for - Regarding.

- Ref:**
1. W.P.No:8493/2020 filed by Gareeb Guide (Voluntary Organization) accredited by the Telangana State Legal Services Authority vide No. 01/TLSA/ACRDT/RR/2015, Dated 12.03.2015 Rep. by its President Ms. G. Bhargavi, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad in the Hon'ble High Court of A.P. at Amaravathi.
 2. This office Rc.No.943/2020/E1, Dt.07.05.2020.
 3. Hon'ble High Court orders dated 07.05.2020 in IA No.1/2020 in W.P.No. 8493/2020.
 4. This office Rc.No.943/2020/E1, Dt.13.05.2020.
 5. This office Rc.No.943/2020/E1, Dt.18.05.2020.
 6. Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (NGO) Rep. by its President Ms. G. Bhargavi, Hyderabad before the Hon'ble NGT, Sitting at Chennai.
 7. This office brief instructions/ facts in Rc.No.943/2020/E1, Dt.01.07.2020 sent to the Government Pleader, NGT, Chennai.
 8. Orders dated 02.07.2020 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 9. EP/12.7/NGT(SZ)/26/2020/AP, Dt.13.07.2020 of the Deputy Director General of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office (South Easterns Zone), Chennai.
 10. This office Progs. Rc.No.943/2020/E3, Dt.31.07.2020.
 11. Rc.No.636/2020/A/Dt.12.09.2020 of the Joint Inspection Committee.
 12. Rc.No.636/2020/A/Dt.12.09.2020 of the Joint Inspection Committee (revised report received in office on 05.10.2020).
 13. Orders dated 04.01.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 14. Joint Inspection Report received on 28.01.2021 from Dr.R.Sridhar, Nodal Officer.
 15. Objections dated 12.02.2021 filed the Gareeb Guide (NGO), Rep. its Rep. by its President Ms. G. Bhargavi President, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad.
 16. Orders dated 12.02.2021 in Original Application No.92 of 2020 (SZ) & I.A.No.15 of 2021 (SZ) & I.A.No.16 of 2021 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 17. This office Progs.Rc.No.943/2020-E3, Dt.16.03.2021.
 18. Orders dated 12.11.2021 in Original Application No.92 of 2020 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 19. Fresh objections dt.13.11.2021 filed by the Applicant on the direction dt.12.11.2021 of Hon'ble Tribunal in O.A.92 of 2020.
 20. Orders dated 24.05.2022 in Original Application No.92 of 2020 (SZ) & I.A.No.90 of 2022 (SZ) of the Hon'ble National Green Tribunal, Southern Zone, Chennai.
 21. Memo.No.1357/Section.II/2022(1747726), Environment, Forest,

Science and Technology (Section-II) Department, Dt.08.06.2022.

22. Joint Committee report dt.05.07.2022 from Dr.Suresh Babu P., JD, (MoEF&CC), IRO, Vijayawada.
23. Orders dt.14.07.2022 of the Hon'ble NGT (SZ), Chennai in O.A.No.92 of 2020.
24. Fresh objections dated 26.07.2022 filed by Gareeb Guide Organization.
25. Rc.No.197/2020-SA/Dt.01.08.2022 of the Tahsildar, Jalumuru.
26. Rc.No.197/2020-A/Dt.15.04.2023 of the Tahsildar, Jalumuru.
27. Lr.No.EE/Mtc.Divn./Npeta/DB/126M/Dt.03.04.2023 of the EE, Vamsadhara Project, Narasannapeta.
28. Further action taken report by the District Collector, Srikakulam Dt.16.04.2023 submitted to Hon'ble NGT, Chennai, through the Standing Council.
29. Orders dt.17.04.2022 of the Hon'ble NGT (SZ), Chennai in Executive Application No.3 of 2023 (SZ) in O.A.No.92 of 2020 (SZ).
30. Note orders of the District Collector, Srikakulam, Dt.28.04.2023.

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It is informed that, Gareeb Guide (Voluntary Organization) 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 Sy.No.59 Kakarla Pond of Chinnadugam Village, Jalumuru Mandal, Srikakulam District.

In this connection, on the orders dated 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.

After perusing the Joint Committee report and also compliance report to the objections filed by the applicant, the Hon'ble NGT, duly posted the case to 03.08.2022 has issued the following directions on 14.07.2022 that:

1. 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.
2. 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.
3. 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.

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.

In this connection, in the references 26th and 27th further reports have been obtained from the Tahsildar, Jalumuru and the Executive Engineer, Vamsadhara Project,

Narasannapeta respectively and this office further action report has also been submitted to the Hon'ble NGT through the standing Council vide reference 28th cited.

The Hon'ble NGT, Chennai has perused the above further action taken report and issued the following order on 17.04.2023 duly posted the case to 11.07.2023.

1. The Execution Application [E.A. No.03 of 2023 (SZ)] is connected to the Original Application No.92 of 2020 (SZ) in which the above Execution Application is filed.
2. On 01.12.2022, this Tribunal had 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.
3. According to the applicant, the District Collector has not obeyed the said order. Hence, he has filed this Executive Application.
4. However, today, the District Collector – Srikakulam has filed a response stating that in Survey No.59, an extent of 12.75 Acres is classified as Tank Poramboke viz., Kakarla Pond. Further, they have furnished a tabular column, in which, the details of the nature of construction/structure, extent and duration of occupation/ construction are furnished. The above structures are there in existence between 10 and 42 years. Of the 12.75 Acres, an extent of 7.68 Acres 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. Similarly, it is the duty of the District Collector to restore the rest of the extent of the pond also.
5. It is also now stated that the said Kakarla Pond is extended to another Survey No.48. If that is so, let the District Collector find out the total extent of the area available for the purpose of the Kakarla Pond to ensure that they are encroachment free with the inlets and outlets cleared. As it is stated that even if any of the water bodies are put to disuse, it will not take away the character of the same and should be retained only as a water body.
6. Let the District Collector 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.
7. Post the matter on 11.07.2023.

In view of the above position, the following officers have been requested 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 Sy.No.48 of Chinnadugam Village of Jalumuru Mandal and submit the joint field inspection report to this office by **05.06.2023** positively, so as enable this office to submit the further reports to the Government and Hon'ble NGT, Chennai.

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 Assistant Director, District Survey & Land Records,
6. The Tahsildar, Jalumuru

It is, therefore, requested to take necessary action and submit the detailed report exploring the possibilities of (i) re-locating the occupants i.e., present encroachments in Sy.No.59 of Chinnadugam Village of Jalumuru Mandal as shown below and (ii) restoring the pond to its original status, to this office by **05.06.2023** positively, so as enable this office to submit the further reports to the Government and Hon'ble NGT, Chennai.

Sl. No.	Nature of construction/structure	Extent covered (in Acs.)	Duration of occupation/construction
1	MPP School	0.12	27 years
2	Panchayat Office (Now converted as Ryothu Bharosa Kendram)	0.05	10 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	32 years
5	Field Channel	0.44	42 years
6	Occupations by 40 individuals for agricultural operations	7.24	17-32 years
7	Vacant land for Sri Laxmi Narasimha Swamy Yatra purpose	0.44	42 years
8	Stage for Sri Laxmi Narasimha Swamy yatra	0.01	42 years
9	Nagadeveta Temple	0.02	20 years
	TOTAL	12.75	

A copy of the orders dt.17.04.2022 of the Hon'ble NGT (SZ), Chennai in Executive Application No.3 of 2023 (SZ) in O.A.No.92 of 2020 (SZ) is herewith enclosed for information and necessary action in this matter.

Encl: As above

Yours faithfully,
Sd/- M.Rajeswari,
District Revenue Officer,
For Collector, Srikakulam

//t.c.f.b.o.//

Superintendent - E

Copy to the PS to Collector/ PS to JC/ CC to DRO/ AO

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Rc.No.606/2023/F, dt.01.07.2023

O/o Revenue Divisional Officer, Srikakulam.

From
Smt. B.Santhi, M.A.,
Revenue Divisional Officer,
Srikakulam.

To
The District Collector,
Srikakulam.

Sir,

Sub: Suits – Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organisation) Rep by its President Ms.G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, in the Hon'ble National Green Tribunal, Sitting at Chennai – Report submitted – Reg.

Ref: 1.Rc.No.197/2020/SA dt:27.04.2023 of the Tahsildar, Jalumuru.
2.This office Rc.No.606/2023/F, dt:28.04.2023
3.Rc.No.943/2020/E3, dt:26.05.2023 of the District Collector, Srikakulam.
4.Letter No.SE/IC/SKLM/17/REV, dt:17.06.2023 of the Superintending Engineer, Irrigation Circle, Srikakulam.

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I invite kind attention is invited to the references cite.

It is submitted that, this file relates to the Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organization) Rep by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, in the Hon'ble National Green Tribunal, Sitting at Chennai.

Accordingly, it is has been directed 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 and submit the joint filed inspection report to this office.

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

It is submitted that, as per the instructions of the District Collector, Srikakulam, joint inspection was conducted on 06.06.2023 with the above Official 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	Duration of Occupation/Construction
1	MPP School	0.12	27 years
2	Panchayat Office (Now converted as Ryothu Bharosa Kendram)	0.05	10 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	32 years
5	Field Channel	0.44	42 years
6	Stage for Sri Laxmi Narasimha Swamy Yatra	0.01	42 years
7	Nagadeveta Temple	0.02	20 years
	Total	5.21	

It is submitted 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 in Kakarlavani Cheruvu of Chinnadhugam Village were removed earlier and the present ground status is a vacant land and a caution board was also planted in the above vacant land.

It is submitted that, the Sy.No.48 with total extent of Ac.22.49 of Chinnadugam Village in Jalumuru Mandal, which is subdivided 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
	Total	21.08

It is submitted 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.

It is submitted 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.

It is submitted 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.

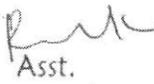
This is submitted for kind perusal and further necessary action in the matter.

Yours faithfully,


Tahsildar,
Jalumuru


Superintending
Engineer,
APEPDCL,
Srikakulam.


Superintending
Engineer,
Water Resources
Department,
Irrigation Circle,
Srikakulam


Asst.
Director,
Survey &
Land
Records,
Srikakulam


District
Panchayat
Officer,
Srikakulam.


Revenue
Divisional
Officer,
Srikakulam.

Rc.No.943/2020/E3, Dt.21.07.2023

Collector's Office, Srikakulam.

FROMSri Shrikesh Lathkar, I.A.S.,
District Collector,
Srikakulam.**TO**

- 1) The Revenue Divisional Officer,
Srikakulam
- 2) The Tahsildar,
Jalumuru.

Sir,

Sub: Suits -- Original Application No.92 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organization) Rep by its President Ms. G. Bhargavi, Bahar, Sahara States, LB Nagar, Hyderabad, in the Hon'ble National Green Tribunal, South Zone, Chennai - Request to take necessary action - Report called for - Regarding.

- Ref:**
1. Orders dt.17.04.2022 of the Hon'ble NGT (SZ), Chennai in Executive Application No.3 of 2023 (SZ) in O.A.No.92 of 2020 (SZ).
 2. This office Rc.No.943/2020/E3, Dt.25.05.2022 to the joint committee members.
 3. This office Rc.No.943/2020/E3, Dt.25.05.2022 to the Revenue Divisional Officer, Srikakulam and the Tahsildar, Jalumuru.
 4. Rc.No.606/2023/F, Dt.01.07.2023 of the Joint Committee, Srikakulam.

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I invite your attention to the references cited wherein in the reference 2nd cited a joint committee has been constituted with a direction to submit the joint inspection report duly taking up the 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 Sy.No.48 of Chinnadugam Village of Jalumuru Mandal and in the reference 4th cited, the Joint committee has submitted it's joint inspection report.

I inform that, as could be verified from the above joint inspection report, the Sy.No.48 of Chinnadugam Village, Jalumuru Mandal is having a total extent of Ac.22.49 cents and it is divided into 6 sub-divisions and Sy.No.48/1 with an extent of Ac.21.08 cents is classified as "Tank Poramboke - Kakarlavani Tank" with the following occupations.

Sl. No.	Nature of construction/structure	Extent covered (in Acres)
1	Agricultural Land	14.77
2	Houses/ Sheds	1.60
3	Burial Ground	0.05
4	Nagadevatha Temple - Bathrooms	0.01
5	Vamsadhara Canal	2.00
6	Filed Channel	0.20
7	Existing Tank	2.45
TOTAL		21.08

I further inform that, the protection of tanks is the utmost responsibility of the Government functionaries and in this connection, the Government, Hon'ble Courts, Hon'ble National Green Tribunal and District Administration are issuing instructions from

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time to time on protection of tanks and eviction of encroachments in tanks, but in this case, the joint committee has reported the objectionable occupations like agricultural lands, houses/sheds and Nagadevata temple-bathrooms for a total extent of Ac.16.38 cents in "Kakarla Pond" covered by Sy.No.48/1 of Chinnadugam Village, Jalamuru Mandal.

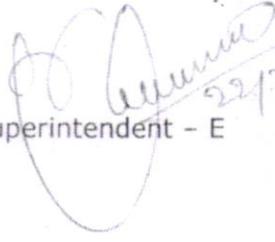
In the above circumstances, you are requested to take necessary action to evict the above encroachments in the Sy.No.48/1 of Chinnadugam Village of Jalamuru Mandal, Srikakulam District classified as "Kakarlavani Cheruvu" by following due procedure of law and report compliance to this office immediately through the Revenue Divisional Officer, Srikakulam, so as enable this office to submit the detailed report to the Hon'ble National Green Tribunal, Chennai before 01.08.2023.

**Yours faithfully,
Sd/- Shrikesh Lathkar,
District Collector,
Srikakulam.**

//t.c.f.b.o.//

Superintendent - E

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29/7/2023


22/7/2023

Item Nos.6 & 7:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Original Application No.92 of 2020(SZ)
With
Execution Application No.03 of 2023 (SZ) in
Original Application No.92 of 2020(SZ)

IN THE MATTER OF:

Gareeb Guide (NGO):

...Applicant(s)

Versus

State of Andhra Pradesh,
Through its Chief Secretary & Ors.

...Respondent(s)

Date of hearing: 01.08.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. D. V. Rao.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 & R2.

ORDER

1. The learned counsel appearing for the applicant has filed a memo stating that despite the matter pending before this Tribunal, the electrical poles were erected in the Kakarla Pond in April 2023.

2. However, in support of his contentions, he has only produced the estimate of Eastern Power Distribution Company of Andhra Pradesh Limited, which is of no use.
3. While so, the District Collector has stated that in Survey No.59 of the Kakarla Pond, there have been structures in existence for several years. Of the 12.75 Acres, an extent of 7.68 Acres were in occupation of the individual agricultural farmers and the vacant land belonging to Sri Lakshmi Narasimha Swamy Yatra purpose are said to have been restored by evicting the encroachers. Similarly, the Survey Nos.48 and 59 of Chinnadugam Village, the inspection has been done and necessary action will be taken as per law.
4. The above referred facts are available in the communication addressed to the standing counsel dated 10.07.2023.
5. We direct the District Collector to file a detailed status report regarding the physical features of the Kakarla Pond, the number of encroachments, including in the inlet and outlet channels, the action taken so far and the action to be taken for evicting them to restore the pond and the inlets and outlets to their original shape and size.
6. Let the matter be listed on 31.08.2023.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.92/2020(SZ) &
E.A. No.03/2023 (SZ)
01st August, 2023. AD.

Rc.No.606/2023/A, dt:25.08.2023

O/o Revenue Divisional Officer, Srikakulam.

From
Smt. B.Santhi, M.A.,
Revenue Divisional Officer,
Srikakulam,
Sir,

To
The District Collector,
Srikakulam.

Sub: Suits – Original Application No.92 of 2020 (SZ) & I.A.No.45 of 2020 (SZ) filed by Gareeb Guide (Voluntary Organisation) Rep by its President Ms.G. Bhargavi, Bahar, Sahara States, LB Nagar Hyderabad, in the Hon'ble National Green Tribunal, Sitting at Chennai – Report submitted – Reg.

- Ref: 1.Rc.No.197/2020/SA dt:27.04.2023 of the Tahsildar, Jalumuru.
2.This office Rc.No.606/2023/F, dt:28.04.2023
3.Rc.No.943/2020/E3, dt:26.05.2023 of the District Collector, Srikakulam.
4.Letter No.SE/IC/SKLM/17/REV, dt:17.06.2023 of the Superintending Engineer, Irrigation Circle, Srikakulam.
5.Rc.No.197/2020/A, dt:12.06.2023 of the Tahsildar, Jalumuru.
6.This office Rc.606/2023/F, dt:01.07.2023.
7.Rc.No.943/2023/E3, dt:22.07.2023 of the District Collector, Srikakulam.
8.Rc.No.197/2023/A, dt:28.07.2023 of the Tahsildar, Jalumuru.
9.Rc.No.197/2023/A, dt:23.08.2023 of the Tahsildar, Jalumuru.

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I invite kind attention to the references cited.

It is submitted that, in the reference 7th cited, it has been directed to take necessary action to evict the encroachments in Sy.No. 48-1 of Chinnadugam Village of Jalumuru Mandal, Srikakulam District classified as "Kakarlavani Cheruvu" by following Due process of Law and submit the compliance report to this office immediately through the Revenue Divisional Officer, Srikakulam so as enable this office to submit the detailed report to the Hon'ble National Green Tribunal, Chennai.

It is submitted that, in the reference 8th and 9th cited, the Tahsildar, Jalumuru has reported that, as per the instructions of the District Collector, Srikakulam, he has proposed for evection on dt.26.07.2023 and requested the Station House Officer, Jalumuru to provide the necessary security arrangements Men and women Constables on dt.26.07.2023.at.10.00A.M. Chinnadugam Village, Jalumuru Mandal to avoid inconvenience from the encroachers'.

It is submitted that, the Tahsildar, Jalumuru has also stated that, heavy rains occurred from dt.25.07.2023. to 27.07.2023 and inundated the encroached fields and bunds, the evection work not possible through JCB and could not be evicted, but on 08.08.2023 the revenue officials along with SHO Jalumuru and police persons went to encroached paddy fields with one JCB and 1 Tractor for eviction paddy fields in "Kakarlavani Tank" in Sy.No. 48-1 of Chinnadugam Village, Jalumuru Mandal and at that time they have evicted 08 Acres of Agriculture encroachments out of 14.77cents, but the remaining extent was not possible for eviction as the encroached fields are with fully mud and water due to heavy rains and also submitted that, the remaining extent will be

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evicted after drain of stagnant water from encroached fields in "Kakarlavani Tank" in Sy.No.48-1, of Chinnadugam Village, Jalumuru Mandal.

The Tahsildar, Jalumuru has further submitted that, regarding the remaining encroachments, permanent structures were formed in an extent of Ac.1.60 in Sy.No.48/1 as detailed below and the removal of the encroachments may lead to law and order problem in the above village as one habitation was formed in the part of the above survey number.

Table of the permanent structures:

S.No.	Name of Encroacher	Assessment Number	Type of Construction	Occupied extent with constructions	Duration of Occupation/Construction
1	Gunda Krishna S/o Tatayya	78	Slabbed House	Ac.0.10cents	25 years
2	Nagamani Hemaltha W/o Mohanarao	84	Tiled House(Penkitillu)	Ac.0.08cents	25 years
3	Panga Adilakshmi W/o Rajulu	86	Slabbed House	Ac.0.10cents	25 years
4	Ravada Simmanna S/o Bodeyya	198	Slabbed House	Ac.0.10cents	25 years
5	Baggu Simhachalam S/o Dalappadu	89	Slabbed House	Ac.0.08cents	25 years
6	Dunga Apparao S/o Simmayya	105	Slabbed House	Ac.0.10cents	25 years
7	Ampali Simhachalam S/o Boddeyya	206	Slabbed House	Ac.0.07cents	25 years
8	Surapu Mugatayya S/o Appalaramayya	208	Slabbed House	Ac.0.10cents	25 years
9	Challa Appanna S/o Yarrayya	136	Slabbed House	Ac.0.10cents	25 years
10	Baggu Syamasundarao S/o Suryanarayana	205	Slabbed House	Ac.0.10cents	25 years
11	Challa Adinarayana S/o Gurumurthy	100	Slabbed House	Ac.0.05cents	25 years
12	Challa Gavirashu S/o Adinarayana	102	Slabbed House	Ac.0.08cents	25 years
13	Challa Ramana S/o Adinarayana	101	Slabbed House	Ac.0.08cents	25 years
14	Gorle Punyavathi W/o Chinnarao	98	Slabbed House	Ac.0.06cents	25 years
15	Gedela Mallamma W/o Gavarayya	97	Slabbed House	Ac.0.06cents	25 years
16	Patta Appanna S/o Suryanarayana	104	Slabbed House	Ac.0.06cents	25 years
17	Dasari Ramu S/o Appalaramayya	103	Slabbed House	Ac.0.10cents	25 years
18	Panga Ramana S/o Rajulu	87	Slabbed House	Ac.0.10cents	25 years
19	Gondu Ramana S/o Krishna	88	Slabbed House	Ac.0.08cents	25 years

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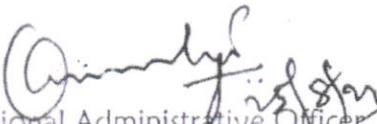
In this regard, it submitted that, necessary instructions were issued to the Tahsildar, Jalumuru for removal of the remaining agricultural encroachments in Sy.No.48/1 in "Kakarlavani Tank" of Chinnadugam Village, Jalumuru Mandal.

It is further submitted that regarding the eviction of 108 permanent structures that are developed in the S.Nos 48/1 and 59, it cannot be possible to evict as it may lead to the law and order issue in the village since the encroachers are living in the said abandoned tank from the past 25 years above and they have developed one habitation in the above land and it is difficult to reallocate the entire habitation (108 permanent structures) to a different area and also their social and religious customs cannot be reproduced.

In this regard, the report of the Tahsildar, Jalumuru is submitted herewith for kind perusal and for further necessary action in the matter.

Yours faithfully,
Sd/-B.Santhi,
Revenue Divisional Officer,
Srikakulam.

//t.c.b.o//


Divisional Administrative Officer

by
22/4/2013