

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

OA No 133 OF 2023

IN THE MATTER OF:

T. AMARNADTH

..... Applicant

Vs

THE DISTRICT COLLECTOR AND OTHERS

.... Respondents

REPORT FILED BY THE COLLECTOR 1st RESPONDENT

DATE- 22.02.2025



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

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

Mobile: 98407 98460 / 63831 21322,
Email: reddymadhuri09@gmail.com

Report filed by the Collector in compliance with Hon'ble NGT Order dt.15.03.2024 in O.A. No. 133 of 2023 (SZ) filed by Sri T. Amaranatha, Padmavathi Garden, Perumalla Palli (P), Tirupati Rural, Tirupati District, A.P on complaining encroachments and unlawful construction of cricket grounds and loss occurred to Tummalagunta tank, Tirupati Rural, Tirupati District, A.P

It is submitted that, Sri T. Amaranatha, Tirupati has filed a petition before the Hon'ble National Green Tribunal-Southern Zone (Chennai) alleging on the problem of encroachments and organizing of unlawful cricket tournaments led to ecological imbalances and loss occurred to Thummalagunta tank and prayed for action against the responsible authorities.

In this regard, Vice- Chairman, TUDA, Tirupati, Superintending Engineer, Irrigation Circle, Chittoor and Andhra Pradesh Pollution Control Board, Regional Office, Tirupati concerned authorities have submitted their enquiry reports on the supra said subject.

Report of TUDA Office:

It is submitted that, the Vice- Chairman, TUDA, Tirupati, has submitted a report stating that they have inspected the Tummalagunta Tank, situated at Thummalagunta Village, Tirupati Rural Mandal & District and submitted detailed report on developmental activities in Thummalagunta tank and the contents of the said report are as follows:

a) It is submitted that, the District Collector, Chittoor vide note, dated: 05.05.2002 instructed the Vice-Chairman, TUDA, that as per the instructions of the Hon'ble Chief Minister during his visit to Tirupati on 27.04.2002 to take over important Tanks from the Revenue Divisional Officer, Tirupati in Tirupati area and evict encroachments and protect them by taking preventive steps.

b) Accordingly, in pursuance of the orders of the Joint Collector, Chittoor, dated:06.05.2002, the Tahsildar, Tirupati Rural Mandal handed over 16 important Tanks covered in 13 Revenue Villages to TUDA on 09.05.2002 including Thummalagunta Tank measuring to an extent of 88.81 Sq.Acres.

c) The Executive Engineer, Irrigation Division, Tirupati vide his Lr. No.DB/JTO.2/T4/936, dated: 02-11-2009 has accorded permission to the Vice-Chairman, TUDA for development activity and beautification works in Thummalagunta tank and surroundings without effecting the Hydraulic particulars of the Tank.

d) Accordingly, the TUDA has taken up the bund strengthening on downstream of bund without affecting the storage capacity of the Tank. To prevent erosion of Bund, creepers and land scaping works were developed on

the slope of the Tank Bund and walking Track was also developed on the top of Bund. A swale has been formed all along the Tank bund with a length of 1350 mtrs, with a width of 25 mtrs, and depth of 4.00 mtrs, without disturbing the existing sluice and surplus weir and Hydraulic particulars of Tank and with this the storage of water in the Tank and ground water table of surrounding area has increased.

e) During the process of eviction of encroachments by the TUDA, Tirupati, the following encroachers have filed writ petitions in the Hon'ble High Court claiming that they were granted ryotwari pattas:

Name of the Encroachers and Writ Pettition filed

Sl.No.	Name of the encroachers	Survey No.	Classification	Extent under encroacher	Writ Petition
1	B.Krishna Reddy	62/1& 2	Tank	0.68	21500/2009
2	P.Krishna Reddy	61	Tank	0.20	21501/2009
3	B.Venugopal Reddy	62/2	Tank	2.00	21502/2009
4	B.Saraswathamma	63/2	Tank	1.03	21504/2009
5	Kanchu Srinivasulu	62	Tank	1.00	21505/2009
6	B.Mohanarama	63	Tank	1.00	21513/2009

f) The TUDA, Tirupati has contested the cases by submitting the ample evidence and finally the Hon'ble High Court dismiss all the Writ Petitions vide order dated: 29.08.2017.

g) Accordingly, the eviction of encroachments of Thummalagunta Tank have been taken up by the TUDA with the assistance of Police and staff of the Tahsildar's Office, Tirupati Rural Mandal on 12.09.2018 and 15.09.2018 and the following encroachments have been evicted:

- 1) Removing of Barbed wire fencing.
- 2) Removing of Iron pillar poultry sheds.

h. After evicting encroachments, the children and some professional players were using the tank area for playing games like, cricket, football and practicing adventure sports.

i) The TUDA, Tirupati has taken up clearing the Juliflora jungle in the fore shore area, along swale and Tank bund to avoid recurrence of growing up the Juliflora jungle. Further, the TUDA has taken up massive plantation work of various variety plants like, different flower bearing plants, fruit bearing trees, plantation garden, ornamental plants, Coconut Trees and soft land scaping for increasing green vegetation to protect the environment eco-balance of the surrounding area of the Tank. The TUDA has also

developed several play grounds such as two carpet grass cricket grounds, football ground, hockey ground, Volley ball grounds, Tennes Courts, etc., and Athletic track with gravel base and developed the walking track with gravel base all around the tank with temporary structures for toilets and shelter erected to have shade from sun and rain for the players and walkers without disturbing Hydraulic particular of the tank and without effecting inflows into the tank. The TUDA, Tirupati has not disturbed the existing sluice and surplus weir of tank and Hydraulic particulars.

j) As the ground water has depleted considerably, there was no water inflow into the tank for the last 50 years and due to rapid urbanization of Tirupati and its suburban areas built up areas have come up in majority area of the tank ayacut and there is no ayacut to the tank. Due to heavy urbanization, all the inflow channels are disturbed and hence no rain/flood water is entering into the tank.

k) Finally, the VC, TUDA has submitted that the developmental activities taken up by the TUDA have not affected inflows into the tank, storage capacity of the tank and eco balance of surrounding areas of the Thummalagunta tank.

Report of Irrigation Department:

It is submitted that, the Superintending Engineer, Irrigation Circle, Chittoor has submitted a detailed report that which is submitted as detailed below:

a. The Thummlagunta Tank is a Minor Irrigation tank near Thummalagunta (V) in Tirupati Rural Mandal & District. The Tank has two sluices and one surplus weir. As per the memoirs of the Irrigation works in Swarnamukhi Minor basin, Chittoor, Nellore and Kadapa districts, the Tank is formed and present No. 50 Thummalagunta (V) of erstwhile Chandragiri Taluk of Chittoor District and at present in Tirupati Rural Mandal of Tirupati District in Oti Cheruvu group.

b. As per the fair adangal report available in Meebhoomi website, the Thummalagunta Tank is located in Sy.Nos. 60, 61, 62, 63 (Copy enclosed as annexure -2). Further as per the village plan, (Copy enclosed as annexure-3) the Tank doesn't have any permanent streams as inflow channels. The Tank receives its water from two kasim channels (spring channel) and rainwater from the ayacut of Peruru tank. The ayacut of Peruru Tank is only 2.03 Sq.kms. As the ground water has depleted considerably, the kasim channels are not receiving water. As the spring channels are being dried up due to rapid fall in ground water table, particularly in urban areas and a very little catchment

area, the tank will not receive water even upto sill level of the tank during even rainy season also. During the heavy rains in November/December, 2020 the rivers, streams and tanks have received copious inflows and majority of tanks received surpluses. As a result of unprecedented discharge in Swarnamukhi River, three road bridges constructed across Swarnamukhi River near Tirupati town were washed away. Even during the heavy floods of 2020, the tank has received water only about 20% of its storage capacity. That water was just sufficient to fill the swale formed by the TUDA, Tirupati and the remaining part of the tank was empty. As most part of the tank is in dry state throughout the year, the tank is being used by the local people as ground to play cricket, other games and for walking. The Jauliflora vegetation was being grown up in left over portion of the tank, which is not being used by the local public. Due to rapid urbanization of Tirupati and its suburban areas built up areas has come up in majority area of the tank ayacut.

c. In order to protect and develop some of the Tanks in and around Tirupati, certain tanks were handed over to Tirupati Urban Development Authority (TUDA), Tirupati by the Tahsildar, Tirupati Rural Mandal, Chittoor District to the Surveyor, TUDA, Tirupathi on 09.05.2002 and the Thummalagunta Tank is one among such tanks.

d. The Executive Engineer, Irrigation Division, Tirupati vide Letter No. DB/JTO 2/T4/JTO-2/T4/936M dated. 02.11.2009 has accorded permission to the Vice Chairman, TUDA for developmental activities on Thummalagunta Tank and surroundings without effecting the Hydraulic particulars of the Tank.

e. The TUDA, Tirupati has increased the top width of bund by strengthening on downstream of the bund. As strengthening work was taken up on downstream of bund, the storage capacity of the tank was not affected. To prevent erosion of bund, creepers were developed on slope of the Tank bund. The top of bund is being used as walking track by the public of Thummalagunta (V) and Tirupati Urban areas. The TUDA, Tirupati has formed a swale for a length of about 1350.00 Mtrs, with a width and depth of about 25.00 Mtrs, and 4.00 Mtrs, respectively on the inner side of foreshore area. The swale has increased the storage capacity of the Tank.

f. The TUDA, Tirupati has increased the Juliflora trees in the foreshore area of the Tank. To avoid recurrence of growing up of Juliflora, the TUDA, Tirupati has taken up plantation work and various plants like, Coconut Trees, flower bearing plants, ornamental plants and other horticulture plants are planted. Further, land scaping has also developed to prevent growing up of Juliflora.

g. Further, the Tank is also being used for walking purpose and to play games like cricket, badminton, etc., when the foreshore area of the tank is in dry state. To provide shelter for the public engaged in sports and walking during sudden rains, temporary shelters are provided by TUDA. As the tank is being used by the women for games and walking temporary toilets are also provided. Walking track was also formed by TUDA.

h. The developmental activities are taken up in dry part of the foreshore area. The TUDA has not constructed any structures like compound walls, etc., and as a result there is no effect on inflows into the tank. The TUDA has also not disturbed the sluices and surplus weir of tank.

i. Finally, the Superintending Engineer, Irrigation Circle, Chittoor has concluded that the developmental activities taken up by the TUDA has not affected inflows into the Tank. As such the storage capacity of the tank is also not affected.

Report of Pollution Control Board:

It is submitted that, the Environmental Engineer, Andhra Pradesh Pollution Control Board, Regional Office, Tirupati inspected the Thummalagunta Village Irrigation Tank and its surroundings on 09.11.2023 and submitted report and the contents of report are as follows:

a. On the available information obtained from Irrigation Department it was observed that the Thummalagunta Village Irrigation Tank is located at Sy.No. 60 and spreads at an area of 67.75 Ac. they then Executive Engineer, Irrigation Division, Tirupati has permitted the authorities of TUDA for taking up beautification works over and surroundings of the Irrigation Tank without affecting the hydraulic particulars.

b. It is also observed that, TUDA has developed several play grounds such as Two carpet grass cricket grounds, Football ground, Volley ball court, Tennis court, Walking tracks with temporary structures for toilets and shelters at Thummalagunta Village Irrigation Tank. It is further, submitted that, maintaining and supervision of Irrigation Tanks falls under the control of Minor Irrigation Department.

c. It is also submitted that, the AP Pollution Control Board has not issued any licenses/ permissions to any of authorities for constructional activities /beatification activities at Thummalagunta village irrigation tank.

In the circumstances above, it is submitted that, upon observing the enquiry reports submitted by the authorities regarding the petition filed before the Hon'ble National Green Tribunal-Southern Zone (Chennai) ,which raised

concerns about encroachments and the organization of unlawful cricket tournaments leading to ecological damage and loss to the Thummalagunta tank, the inquiring authorities have concluded that there are no illegal encroachments in Thummalagunta Tank area and the developmental activities were taken up only in dry part of the foreshore area. More over, the TUDA has not constructed any structures, such as compound walls, etc.. and as a result, there has been no effect on inflows into tank.

In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above O.A No. 133 of 2024 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.


Collector & District Magistrate,
Tirupati.