

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

ORIGINAL APPLICATION NO. 38 OF 2025

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

IN THE MATTER OF:

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

.....APPLICANT

VERSUS

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

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

.....RESPONDENTS

THE HUMBLE ADDL MEMO, DATED: 24.03.2025 OF THE APPLICANT ABOVENAMED

For the reasons stated in this addl memo, the Hon'ble Tribunal may be pleased to consider the following facts:

It is respectfully submitted that

- i. The main aim of the NGT was to protect the environment, a purpose covered by the right to a healthy environment within the constitutionally guaranteed right to life. In order to protect the right to life, the statutory provisions should be amplified to serve this purpose. Hence, the NGT may exercise suo moto powers to better serve its purpose.
- ii. Section 14 and Schedule I of the NGT Act, 2010 required the NGT to take action to implement environmental legislations. A specific 'dispute'



For GAREEB GUIDE
G. Bhargavi
President

between two or more parties is not necessary for the NGT to exercise jurisdiction. Hence, the NGT must go beyond its adjudicatory role and prevent and remedy environmental destruction.

- iii. The applicant has applied before the Respondent No.2 under RTI seeking details of encroachers and encroachments in connection with the said water bodies. But, there is no action by the Respondent No. 2. Hence, IA 27 of 2025 has filed with the following prayer:

“Pending final decision on the application, the Hon’ble Tribunal may be pleased to direct the Respondent No. 1 or appoint joint committee to submit the detailed report on all unauthorized occupants / illegal constructions etc in Rathikarra Cheruvu & Jalagala Cheruvu (Water Bodies) i.e Sy. No. 187 & 184 respectively of Gottipalli (V), Narasannapeta (M), Srikakulam (D) in the state of Andhra Pradesh and details of authorities who are acting in the interest of encroachers and action taken report etc and Pass any such other or further order as this Hon’ble Tribunal may deem fit and proper in the facts and circumstances of the case.

- iv. The order, dated: 02.07.2020 in IA 45 of 2020 in a similar case i.e OA 92 of 2020 **(Copy or order enclosed)** is as follow:

“Considering the circumstance, we feel that there arises a substantial question of environment which requires the interference of the Tribunal. Further it is



For GAREEB GUIDE
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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. 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. 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.

- v. The Applicant of OA 38 of 2025 has brought the following facts to the notice of the NGT as primary evidence, along with the Application:
- a. Revenue Records that confirming Sy No. 184 & 187 of Gottipalli (V) of Narasannapeta (M) of Srikakulam (D) are water bodies.
 - b. The RC NO. 1807/2011/E1, dated: 19.09.2017 of the District Collector, Srikakulam i.e Respondent No. 2, the



- above survey numbers are prohibited from registration because of water bodies.
- c. Work id vides No: 0201022021/DP/GIS/450417 Rs 21lakhs were spent under MGNREGA for the development of the Jalagala Cheruvu i.e Sy No. 187 of Gottipalli (V), Narasannapeta (M), Srikakulam (D) in the year 2022-23.
- d. Photographs, dated: 01.02.2025 enclosed along with the application showing the present status of the said water bodies.
- vi. A contempt vide SR 18500 of 2023 (**Copy of order enclosed**) was filed before the Hon'ble High Court of Andhra Pradesh in connection with some other water bodies in Gottipalli (V), Narasannapeta (M), srikakulam (D) for willfully and deliberately disobeying the judgment, dated: 14.09.2022 passed by this Hon'ble High Court in WP(PIL) 140 of 2022 viz for not implementing the general directions of this Hon'ble Court (Passed in WP(PIL) 140 of 2022) in Srikakulam District.
- vii. In view of the order, dated: 14.09.2022 passed by the hon'ble High Court in WP(PIL) 140 of 2022, it is not a less time (between 31.01.2025 and 03.03.2025) for the concerned authorities to take action to protect the said water bodies, after the notice, dated: 31.01.2025.
- viii. Hence, this Memo.



For GAREES GUIDE
 G. Bhagiri
 President

APPLICANT

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)

Versus

State 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."

For GAREEB GUIDE
 G. Bhagiri
 President

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 ngtszfilng@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.**



For GAREES GUIDE
G. Bhargava
President

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Contempt Case (S.R) No.18500 of 2023

PROCEEDING SHEET

SI. No.	DATE	ORDER	OFFICE NOTE
01.	28.06.2023	<p><u>DVSS, J & DVR, J</u></p> <p><u>I.A. No.1 of 2023</u></p> <p>Issue notice to respondents. Issue of maintainability is left over. Learned counsel for the petitioner is permitted to take out personal notice on respondents through Registered Post with Acknowledgment Due and file proof of service in the Registry. Post on 19.07.2023.</p> <p style="text-align: right;">_____ DVSS, J</p> <p style="text-align: right;">_____ DVR, J</p> <p>TJN/ LSP</p>	