

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

OA No 41 OF 2023

IN THE MATTER OF:

PARAMESH BALIGOLLA

..... Applicant

Vs

CHIEF SECRETARY GOVT OF ANDHRA PRADESH & OTHERS

.... Respondents

**REPORT FILED BY THE DIRECTORATE OF TOWN AND COUNTRY
PLANNING - R7**

DATE - 31 .08.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

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

Mobile: 98407 98460 / 63831 21322,

Email: reddymadhuri09@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN BENCH AT CHENNAI**ORIGINAL APPLICATION NO 41 OF 2023****IN THE MATTER OF:****Paramesh Baligolla**

3/104/2, Thumparthi

S.C. Colony, Dharmavaram

Ananthapur District

Contact Number: 99623900000

Email: manager.litigation@lawindia.com

..... Applicant

Versus**1. The Chief Secretary**

Government of Andhra Pradesh

Guntur District

Phone: +91 863 2447024 / 1025

Email: cs@ap.gov.in

2. Department of Water Resources

Through Principal Secretary to Government

Guntur District

Phone: 0863 - 2444248

Email: asplcs.wrd@ap.gov.in, psdwrap13@gmail.com

3. Revenue Department

Through Principal Secretary to Government

Guntur District

Phone: 0863 - 2444558

Email: prisecy_rev@ap.gov.in

4. The Collector and District Magistrate

Sri Sathya Sai District, Puttaparthi

Phone: Not Known

Email: collector-sssai@ap.gov.in, sssai@ap.gov.in

5. The Tahsildar / Revenue Divisional Officer

Dharmavaram, Sri Sathya Sai District

Phone: 9493188808

Email: rdodmvr@nic.in


Director of
Town and Country Planning
Government of Andhra Pradesh
Mangalagiri

6. The Municipal Commissioner

Dharmavaram
 Phone: 08559 - 221058
 Email: dharmavarammunicipality@gmail.com

7. Directorate of Town and Country Planning

Government of Andhra Pradesh
 Guntur District
 Phone: 9990394481, 08645-295969(PESHI), 295696 (OFFICE)
 Email: director.tcp@ap.gov.in, dtcp.ap@gmail.com

8. Department of Agriculture

Government of Andhra Pradesh
 Guntur District
 Phone: Not Known
 Email: comag@nic.in

9. The Mandal Revenue Officer

Government of Andhra Pradesh
 Dharmavaram, Sri Sathya Sai District
 Phone: 9493188840
 Email: rdodmvr@nic.in

10. Mr. Keerthireddy Venkatarami Reddy

Member of Legislative Asseble
 Dharmavaram, Sri Sathya Sai District
 Phone: 9866566565
 Email: reddy6565@gmail.com

..... Respondent


COUNTER AFFIDAVIT FILED BY THE DT&CP 7th RESPONDENT

I, R.J.Vidyullatha, W/o T.Mysaiah, aged about 55 years, I am the Director of Town and Country Planning (DT&CP), Government of Andhra Pradesh, do hereby solemnly affirm and sincerely state as follows: -


1. I am the deponent herein and as such I am well acquainted with the facts and circumstances based on the records.


 Director of
 Town and Country Planning
 Government of Andhra Pradesh
 Mangalagiri

2. This Respondent denies each and every averment made in the affidavit filed in support of the application as false and incorrect except those that are specifically admitted herein this counter affidavit. I have been authorized to file this Counter Affidavit on behalf of the 7th Respondent.
3. It is to submit that, the case pertains to illegal construction activity and personal use of land and lake which is severely detrimental in soil quality and integrity of lake barriers in Yerraguddem hill in survey number 904,904-B, 904-C, 905-2,908-1,909-1,909-2 and in Sy.no. 661 of Dharmavaram lake area.
4. It is to submit that, earlier, the RTI application submitted by Sri B.Paramesh R/o of Dharmavaram, was transferred by this office vide Lr.Roc.no.16/137/RTI Dt:26.05.2023 under section 6(3) of RTI Act-2005 and requested the Public Information Officer (PIO), Ananthapur – Hindupur Urban Development Authority (AHUDA) to furnish the information directly to the applicant.
5. It is to submit that, the same applicant Sri B.Paramesh has filed application before the National Green Tribunal, Chennai mentioning the Directorate of Town and Country Planning, AP as 7th respondent and praying the Hon'ble tribunal to direct the 6th respondent (Municipal Commissioner, Dharmavaram Municipality) and 7th respondent to remove all illegal constructions on the disputed lands in Yellaguddem hill and Dharmavaram lake area.
6. It is to submit that, the Government vide G.O.MS.No.110, of MAUD Dept, Dt.24.03.2017 constituted of Anantapuramu – Hindupur Urban Development


Director of
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- Authority (AHUDA) under section 3 & section 4 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities (APMRUDA) Act, 2016(Andhra Pradesh Act.No.5 of 2016).
7. It is to submit that, under sub-section (2) of section 115 of APMR&UDA Act, 2016 provides for delegation of powers exercisable by the Authority to the Municipal Commissioner/ Vice Chairperson. Sections 3, 82, 84 to 90, 100, 112,124, 126 to 129, 133 and 134 of the APMR&UDA Act, 2016 details the development promotion, acquisition, assembly and disposal of lands, development fee & charges and other miscellaneous powers of the authority. In the present case, the Municipal Commissioner of Dharmavaram Municipality / Vice Chairperson of AHUDA is the Competent Authority to issue / revoke / enforce the Development Permissions.
8. It is to submit that the Government vide GO.Ms. 443 MAUD Dept, Dt: 18-12-2017 issued delegation of powers to the ULBs and grampanchayats falling in the Urban Development Authorities jurisdiction for issuing development permissions. Further, the Government vide GO.Ms. 49 MAUD Dept, Dt: 1-2-2018 issued Internal delegation of powers within the Municipalities, Municipal Corporations and Urban Development Authorities for issuing development permissions and enforcement of unauthorized constructions and developments.
9. It is submitted that the 7th respondent herein is not the Competent Authority to take enforcement action in the jurisdiction of Urban Development Authority. Only the Municipal Commissioner of the Municipality or the Vice Chairperson


Director of
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Government of Andhra Pradesh,
Mangalagiri

of the Development Authority is competent Authority to take action against Unauthorised Construction as per APMRUDA Act, 2016, as per the AP building rules-2017 (issued vide G.O.Ms.No.119 MAUD Dept. Dt:27.03.2017) as per Andhra Pradesh Land Development (Layout and Sub-division) Rules, 2017 (issued vide G.O.Ms.No.275 MAUD Dept.18-07-2017) and the Government orders mentioned in para above.

10. It is to submit that, this office records are verified and found that no approvals were issued in Sy. No. 904,904-B, 904-C, 905 -2, 908-1,909-1,909-2 of Dharmavaram village, Dharmavaram Municipality by this office.
11. It is submitted that the available online data is verified in the web portals namely, APDPMS (Andhra Pradesh Development Permissions Management System), LRS (Layout Regularization Scheme), and BPS (Building Penalization Scheme) and it was observed that one building permission was issued by Municipal Commissioner, Dharmavaram Municipality in Survey No. 904 of Dharmavaram village vide permit no. 1002/0070/B/DMM/PUT/2021 Dt: 21-4-2021 for residential building with Ground + one floor with a total built-up area of 257. 64 sq.mts in a plot of extent 260.03 sq.mts for the applicant Sri. Kethi Reddy Venkata Krishna Reddy, S/o late.K.Surya Prathap Reddy.
12. In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above OA No. 41 of 2023 and pass such further or other orders, as this Hon'ble Tribunal maybe deem fit and proper in the facts and circumstances of the case and thus render justice.


Director of
Town and Country Planning
Government of Andhra Pradesh
Mangalagiri


Director of
Town and Country Planning
Government of Andhra Pradesh
Mangalagiri

Solemnly and sincerely affirmed
at Green Tribunal, Chennai,
On this the 29th day of August, 2024
And signed his name in my presence.

Before ME

Advocate

VERIFICATION

I, R.J.Vidyullatha, W/o T.Mysaiah, aged about 55 years, I am the Director of Town and Country Planning (DT&CP), Government of Andhra Pradesh, do hereby verify the contents of this affidavit has true and correct to the best of my knowledge, belief, and the information's as per the record.

Hence verified on this the 29 day of August 2024 at Guntur .


Deponent
Director of
Town and Country Planning
Government of Andhra Pradesh
Mangalagiri

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Municipal Administration & Urban Development Department – Delegation of powers to the ULBs and G.Ps falling in the Urban Development Authorities jurisdiction - Uniform Procedure –Notification –Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M) DEPARTMENT

G.O.Ms.No. 443

Dated: 18.12.2017

Read the following:-

1. G.O.Ms.No.579, MA&UD (H) Department, dated:07.09.2015.
2. G.O.Ms.No.599, MA&UD (H) Department, dated:05.10.2016.
3. G.O.Ms.No.753, MA&UD (H) Department, dated:27.10.2017.
4. From the Director of Town and Country Planning, A.P., Guntur
Lr. No. 2920//2016/P, dated 06.12.2017.

ORDER:-

In order to streamline the online Building Permissions in Urban areas all over the State, Government have implemented the Information and Communication Technology (ICT) enabled Integrated Online Building Permission Management System and adopted AP Development Permission Management System (APDPMS). The said system has been extended to all the UDAs in the State.

2. Further, in order to streamline uniform delegation of powers to the ULBs and GPs falling in all the UDAs keeping in view the implementation of DPMS for online building permissions, Government have decided to delegate the powers conferred under sections 3, 82, 84 to 90, 100, 112,124, 126 to 129, 133 and 134 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016 to the ULBs and G.Ps falling in the Urban Development Authorities jurisdiction.

3. The following notification shall be published in the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred under sub-section (2) of section 115 of AP MR&UDA Act, 2016 (Andhra Pradesh Act.No.5 of 2016), Government hereby delegate the powers conferred under sections 3, 82, 84 to 90, 100, 112,124, 126 to 129, 133 and 134 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016 to the ULBs and G.Ps falling in the Urban Development Authorities jurisdiction, namely :-

S. No	Section	Power relating to	Municipal Corporation Except GVMC	GVMC	Municipalities	Gram Panchayats	UDA
1	82	Building permission	All category of buildings upto 1000 sq.mts plot area and 15 mts. Height (excluding stilt, non multi-storied building)	All categories	All categories of buildings upto 300 sq.mts. plot area and 10 mts. height (excluding stilt)	Residential buildings upto 300 sq.mts. plot area and 10 mts. height (excluding stilt) in the areas permissible as per rules in normal course.	All other categories except in GVMC. as per G.O.Ms.No. 119 MA., dt. 28.03.2017

2	84	Layout approvals	Nil	All layouts upto an extent of 10 Hectares. beyond 10 Hectares opinion of VUDA shall be obtained.	Nil	Nil	All layouts (Beyond 10 Hectares, opinion of DT&CP, AP shall be obtained except in VUDA)
		Sub-Division of plot in approved layouts	All	All	All	All	All
3		To call for further information or notify shortfall information in all cases.	Head of TP section.	Head of TP section.	Head of TP section.	Panchayat secretary as per delegation.	Head of TP section.

- The authorities who are delegated with the powers for approval of buildings/Layouts under section 82 and 84 are also delegated to exercise the powers under Sections 85 to 90, 100, 112, 124, 126 to 129, 133 and 134.
- Wherever relaxation of rules and TDR availment is involved such files shall be invariably circulated to the Vice Chairman of concerned UDA irrespective of extent and height of the building except in GVMC.
- In respect of Gram Panchayats post verification shall be done by the concerned Panchayat Secretaries upto their delegation of powers (upto 300 Sq.m. of site area for the residential buildings). Gram Panchayat's are empowered to take action on all unauthorized developments. In case of failures the concerned Panchayat Secretary is liable for action.
- The Officer not below the rank of Assistant Director of Town Planning of UDA concerned shall be the inspecting officer for Gram Panchayats falling within the UDA.
- These powers are concurrent powers. The respective UDAs can exercise powers in case of failure by respective local bodies.
- The concerned local bodies and officers to whom powers are delegated shall exercise the powers judiciously in the true spirit of the provisions of the AP Metropolitan Region & Urban Development Authorization Act, 2016 (AP MR&UDA Act 2016), rules and regulations made there under.
- The Director of Town and Country planning, Andhra Pradesh shall be the Overall monitoring authority for functioning of the APDPM system in all UDAs and ULBs in the State.
- The above delegated powers are subject to overall conformity with the provisions of Master Plan / Zonal Development Plan and uses, Zoning Regulations, building rules issued by the Government from time to time.

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- The officers of the UDA concerned shall conduct periodical inspections of the ULBs and Gram Panchayats in its jurisdiction, to give necessary guidelines for disposal of cases as well as to check the permissions.
- The Officers of the UDA concerned shall have powers of surprise inspection of the ULBs and Gram Panchayats offices in its jurisdiction for verification of records pertaining to development control and the buildings under construction and also other areas.
- The Municipal Commissioner / Panchayat Secretary shall send a copy of approved plan to Urban Development Authority immediately after approval and a list of cases with amount of Development Charges paid to Urban Development Authority every month.

4. The above delegation of powers shall be strictly adhered by the Commissioner of ULBs and Panchayat Secretaries of Gram Panchayats and if any irregularity / deviation noticed / reported, this delegation of powers shall stand withdrawn forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery and Stores Purchase, AP, Vijayawada for
Publication in the A.P. Gazette.
The Director of Town and Country Planning, A.P., Guntur
The Vice Chairman, all the UDAs in the State.
The Commissioner, ULBs concerned through concerned UDA.
The Panchayat Secretaries concerned through concerned UDA.
Copy to :-
The District Collector, within the jurisdiction of UDAs in the State.
The OSD to M (MA&UD).
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Municipal Administration & Urban Development Department – Internal delegation of powers within the Municipalities, Municipal Corporations and Urban Development Authorities –Notification –Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M) DEPARTMENT
G.O.MS.No. 49

Dated: 01-02-2018

Read the following:-

1. G.O.Ms.No.579, MA&UD (H) Department, dated:07.09.2015.
2. G.O.Ms.No.599, MA&UD (H) Department, dated:05.10.2016.
3. Govt Memo No. 800211/H2/2017, dated 12.10.2017.
4. G.O.Ms. No. 443, MA&UD (M) Dept., dated 18.12.2017
5. From the Director of Town and Country Planning, A.P.,
Guntur, Lr. No. 9464/2012/P, dated 18.01.2018.

ORDER:-

In order to streamline the online Building Permissions in Urban areas all over the State, Government have implemented the Information and Communication Technology (ICT) enabled Integrated Online Building Permission Management System and adopted AP Development Permission Management System (APDPMS). The said system has been extended to all the UDAs in the State vide G.O 2nd read above.

2. Further, in order to curtail the abnormal delay in conforming approved plans and issuing Occupancy Certificates Govt vide Memo 3rd read above, issued orders that the post approval inspection by the Town Planners concerned has to be completed within 10 days and the site inspection report has to be made available online for the applicant to have a look. If the post approval inspection is not carried out within 10 days, then the inspection deemed to have been taken place. Regarding the issue of Occupancy Certificate, instructions have been issued to make necessary inspections and issue Occupancy Certificate within a period of 8 days from the date of application. If the Occupancy Certificate is not issued within 8 days, on the 9th day applicant shall be able to down load the Occupancy Certificate online provided the construction is in conformity with the approved plans.

3. Further, in order to speedy disposal of verification of Online Building permissions to give better service to citizens as per Citizen Charter and to ensure effective action on Unauthorised constructions, Government have decided to issue certain internal delegation of powers within the Municipalities, Municipal Corporations and Urban Development Authorities.

4. The following notification shall be published in the Andhra Pradesh Gazette on 02.02.2018.

NOTIFICATION

In exercise of the powers conferred under section 387 of AP Municipalities Act, 1965, under section 679-E of AP Municipal Corporations Act, 1955 and under sub-section (2) of section 115 of AP MR&UDA Act, 2016 (Andhra Pradesh Act.No.5 of 2016), Government hereby delegate the powers conferred under sections 209,212, 222, 228 (1), (2) & (3) of AP Municipalities Act, 1965, Sections 426, 450, 452, 455

... P.T.O

:2:

and 636 of AP Municipal Corporations Act, 1955 and Section 80 and 89 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016 to the Municipalities Municipal Corporations and Urban Development Authorities, with the following powers, namely :-

Sl. No.	SECTION	POWERS	OFFICER TO WHOM POWER DELEGATED
1	209, 212, 222 of APM Act 1965, 428 of APMC Act 1955, 80 of APMR&UDA Act 2016.	Confirmation of post approval of Buildings up to the site area of 100 Sq.Mts	Town Planning Officer
2		Confirmation post approval of Buildings upto the site area above 100 to 200 Sq. Mts.	Assistant City Planner in the Cadre of Assistant Director of Town Planning
3		Confirmation post approval of Buildings upto the site area above 200 to 300 Sq.Mts.	Deputy City Planner in the Cadre of Deputy Director of Town Planning
4		Confirmation post approval of Buildings upto the site area above 300 to 500 Sq.Mts.	City Planner in the Cadre of Joint Director of Town Planning
5		For the sites above 500 to 4000 Sq.Mts. except High raise buildings.	Chief City Planner in the Cadre of Director of Town & Country Planning
6	455 of APMC Act, 1955	Occupancy certificate	The officer delegated with the power of conformation of post approval, can issue occupancy certificate
7	228 (1)&(2) of APM Act 1965, 452 of APMC Act 1955, 89 of APMR&UDA Act 2016	Issuing Provisional Orders , Show cause notices for Unauthorised constructions and Constructions made in deviation to approved plans	TPBO/JPO and above cadres.
8	228(3) of APM Act 1965, 636 of APMC Act 1955, 89 of APMR&UDA Act.	Issuing Conformation order, Demolition orders for Unauthorised constructions and Constructions made in deviation to approved plans	ACP and above cadres
9	192 of APM Act and 401 of APMC Act 1955	Issue of encroachment notices	TPBO/JPO and above cadres

i. In Municipalities not covered by UDAs, as per Rule 3 (22) (iii) of AP Building Rules, 2017:-

- (a) In case of building approvals with plot area of above 300 Sq. Mts, the Regional Deputy Director of Town & Country Planning (RDDTP) concerned shall undertake post verification.
- (b) In case of building approvals in the site area above 1000 Sq.Mts, the Director of Town and Country Planning, A.P., Guntur or his representative shall under take post verification.

Contd..3..

- ii. These delegations are subjected to delegations issued in G.O.Ms. No. 443, MA, dated 18.12.2017 in the jurisdiction of Urban Development Authorities.
- iii. These delegations are for speedy disposal of verifications of online building permissions to give better service citizens as per citizen charter and to ensure effective action on unauthorised constructions. If any delay noticed at lower level, the higher officials can pull up the file and dispose the same.
- iv. Wherever the cadre post against the column no. 4 in the said above table is not available, the next higher level officer is the authority delegated to exercise the powers.
- v. The officers to whom powers are delegated shall exercise them with true spirit. Any deviation or negligence in exercise of powers will be viewed seriously.
- vi. The Commissioners of ULBs shall review the disposal process and Development Control Regulation process including enforcement action and see that the delegated powers are utilised effectively.

5. The above delegation of powers shall be strictly adhered by the Municipalities, Municipal Corporations and Urban Development Authorities in the State.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery and Stores Purchase, Hyderabad for
Publication in the A.P. Gazette.

The Director of Town and Country Planning, A.P., Guntur.
The all Municipalities & Municipal Corporations (through DTCP)
The Vice Chairman, all the UDAs in the State.
The Director of Municipal Administration, AP, Guntur.

Copy to :-
The OSD to M (MA&UD).
SF/SC.

/FORWARDED:: BY ORDER//

SECTION OFFICER

By REGD POST with ack due

Phone:08645-295696

Mail:dtcp.ap@gmail.com

GOVERNMENT OF ANDHRA PRADESH
TOWN AND COUNTRY PLANNING DEPARTMENT

From
Public Information Officer,
O/o Director of Town and Country
Planning,
Government of Andhra Pradesh,
MGM Capital Building, Ground Floor
Back side of Dr.YSRArogyasri Health
Care Trust,NH16 Service Road,
Mangalagiri, GUNTUR -522503

To
Public Information Officer,
O/o Anantapur Hindupur Urban
Development Authority, (AHUDA).
Anantapur.

Lr.No.16/137/2023/RTI, Dt: as per digital signature

Sir,

Subject: O/o DT&CP,, AP., Mangalagiri – RTI Act, 2005 – Request to furnish certain information on Sri B. Paramesh, Dharmavaram – Application transferred under section 6(3) Necessary action – Requested - Reg.

Ref: RTI application Dt.22.5.2023 of Sri B. Paramesh, Dharmavaram
& & &

I transfer herewith RTI application of Sri B.Paramesh, R/o Dharmavaram under section 6(3) and requested to furnish the information directly to the applicant as sought for by him under RTI Act, 2005, as the matter pertains to AHUDA, Anantapur only.

Yours faithfully,

Public Information Officer.

Copy to: Sri B. Paramesh, Dharmavaram,
D.No. 3/104/2. Thum Parthi.
S C Colony. Dharmavaram. Anantapur-515672.
With request to approach the above PIO in the matter.

Signature valid

Digitally signed by MAJHU
SUDHANA RAO/CHITTELA
Date: 2023.05.26 12:50:20 IST