

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

**ORIGINAL APPLICATION NO. 57 OF 2023**

(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](mailto: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](mailto:cs@ap.gov.in)

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

.....RESPONDENTS

**OBJECTIONS, DATED: 16.01.2025 FILED BY THE APPLICANT AGAINST THE REPORT, DATED: 25.11.2024 SUBMITTED BY THE DISTRICT COLLECTOR, SRIKAKULAM i.e RESPONDENT NO. 2**

**MOST RESPECTFULLY SHOWETH:**

It is respectfully submitted that

1. I am the Applicant and herein and as such I am well acquainted with the facts of the case.
2. The contents of the Report, dated: 25.11.2024 filed by the Respondent No. 2 are false and denied by the Applicant categorically such of those averments which are not specifically admitted.
3. All the contents of the Affidavit filed by the Applicant are true and correct.
4. The Report, dated: 25.11.2024 filed by the Respondent No. 2 contains the false statements to mislead this Hon'ble Tribunal. Hence, this Hon'ble Tribunal may be pleased to consider this action of the Respondent No. 2 as contempt of the



FOR GAREEB GUIDE  
G. Bhagiri  
President

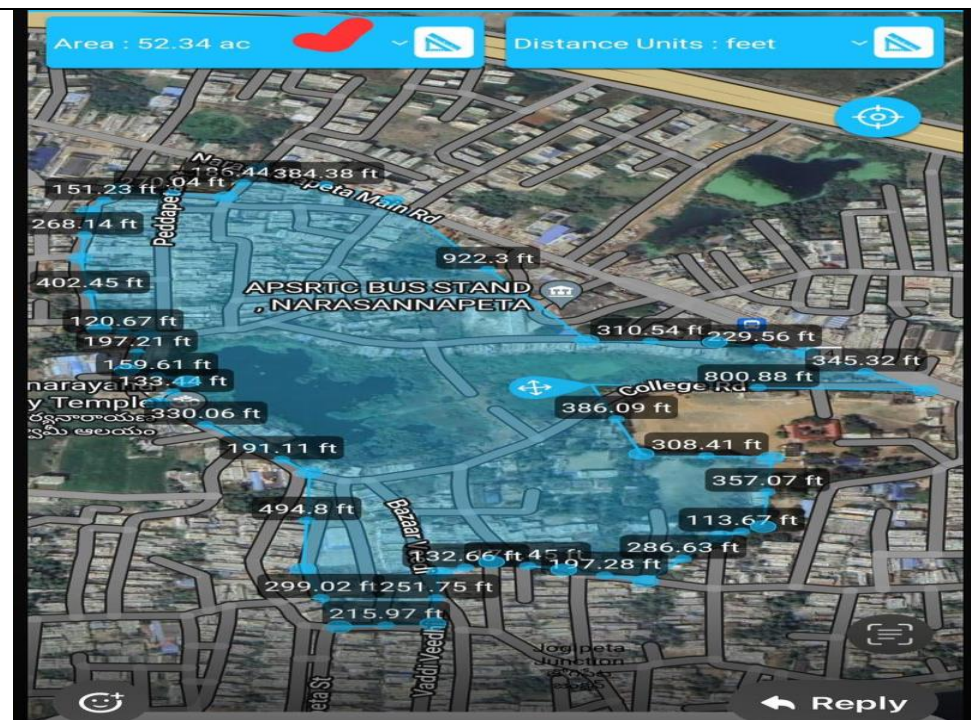
court, in view of the Hon'ble Apex court Judgment, dated: 20.02.2023 passed in Civil Appeal No. 1629 of 2022.

**5. Para wise objections of the Applicant to the Report, dated: 25.11.2024 of the Respondent No. 2:**

- i. **In Para- 4:** As per the Revenue Records/GPS map submitted by the Tahsildar, total extent of Sy No. 219/1B of Gottipalle is **Ac. 124.45 Cents**. But, As per GPS Area Calculator, total extent of Sy No. 219/1B of Gottipalle is **Ac. 52.34 Cents**



As per the Revenue Records/GPS map submitted by the Tahsildar, total extent of Sy No. 219/1B of Gottipalle is **Ac. 124.45 Cents**



As per GPS Area Calculator, total extent of Sy No. 219/1B of Gottipalle is **Ac. 52.34 Cents**

*[Handwritten signature]*

For GAREEB GUIDE  
G. Bhargavi  
President

- ii. **In Para-5:** The Sy. No. 219-1B1 of Gottipalli revenue village was de-notified from section 22-A of the Andhra Pradesh Registration Act, 1908. As per the notification vide RC No. 1807/2011/E1, dated: 19.09.2017 of the Respondent No. 2, Sy. No. 219/1A and Sy No. 219/1B2 are prohibited lands. However, the order, dated: 14.09.2022 of the Division Bench of the Hon'ble High Court of Andhra Pradesh in a PIL is as follow:

*“.....The officials of the concerned Departments, i.e., the Departments of Municipal Administration, Forest and Revenue, shall also undertake. and complete the exercise of identification of unauthorized occupations/encroachments over the lands belonging to their respective Departments, within a period of two months from today, and thereafter, take steps for removal of such encroachments by following the principles of natural justice, i.e., issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers, within a further period of four months .....”*

As well, as per Para 3(a)(ii) of the G.O. Ms No. 571, Revenue (Assignment-I). Dept., Dated: 14.09.2012, 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), the ban on change of classification of tank bed lands shall be strictly enforced.

As per the MGNREGA work ID Vide: 010052221031170613, the land in Sy No. 219 of Gottipalle (V), Narasannapeta (M), Srikakulam (D) classified as Minor Irrigation Tank i.e Rajula Tank However, as per Rc No. 88/2023, dated: 25.05.2023 of the MPDO/PO (MGNREGS),



For GAREEB GUIDE  
G. Bhargavi  
President

Narasannapeta and Rc No. 1687/2022/E4/Dated: 15.10.2022 of the O/O Collector, Srikakulam District, the land in Sy. No 219 of Gottipalle (V), Narasannapeta (M), Srikakulam (D) classified as Minor Irrigation Tank i.e Rajula Tank.

6. Complete details of encroachments in Sy No. 219/1B of Gottipalli (**Ac 52.34 (Approx)**) are as follow:

S.No	Encroachment detail	Extent (Approx) in Acs
1	Burma Colony	2.00
2	RTC Complex	2.05
3	New Bus stand	4.00
4	Bandi Street	5.73
5	Pedda Peta Street	8.01
6	Gondu Veedhi Street	2.00
7	Jagannathapuram Street	1.00
8	Kalivarapu Veedhi Street	2.75
9	Suryanarayana Temple	0.25
10	Govt Degree & PG College	2.25
11	Santhamani Temple	2.00
12	Private Shopping Complex	0.80
13	Venkateswara Temple	0.30
14	Existing Rajula Pond	14.00
15	390 + encroachments inbuilt up area of existing Rajula Pond	5.20
Total		52.34

7. Complete details of encroachments in the built up area (**Ac. 5.20 (Approx)**) of existing Rajula Cheruvu are as follow:

S.No	Name of the Encroachment	Total
------	--------------------------	-------

*[Handwritten signature]*

For GAREES GUIDE  
G. Bhargavi  
President

1	Wooden Houses	56
2	Tin Shops	124
3	Tatched Sheds	3
4	RCC Shop	1
5	Houses	198
6	Other Constructions	13
Total		395

8. As per GO Ms 188, if any property of the Panchayat is under occupation of any persons, Rule 4 would provide for the procedure for eviction of such encroachments, as per which notice, and opportunity of hearing shall be provided to the party concerned before proceeding for eviction.
9. As per the Hon'ble High Court of Andhra Pradesh, the Andhra Pradesh High Court has the highest number of contempt cases because of the casual approach of officials towards court orders **(Published in all newspapers on 19.11.2022)**.
10. The Supreme Court has observed in SUO-MOTU CONTEMPT PETITION (CIVIL) NO.3 OF 2021 viz In Re Perry Kansagra that the tendering of affidavits and undertakings containing false statements would amount to contempt of court.
11. As per the leading newspaper i.e Orissa Post, dated: 20.01.2020, in a similar case Hon'ble NGT, EZ issued notice of contempt as well as imprisonment waring to the Khurda Collector.
12. As per the Apex Court Judgment, dated: 20.02.2023 passed in Civil Appeal No. 1629 of 2022, the NGT is entrusted with the wholesome power to ensure that its orders are complied with. The absence of sewerage facilities is an important aspect which would merit the exercise of powers by the Tribunal under section 25. The invocation of power to levy a



FOR GAREEB GUIDE  
 G. Bhargava  
 President

penalty under section 26 will not necessarily subserve the purpose.

13. The illegal constructions/encroachments upon riverbeds/banks, hills in the form causing harm to the environment of the river polluting natural water and danger for water bodies, defacing the beauty of the river and damage to the environment of the river/pond, hills and the heritage sites of is irreversible and permanent.
14. The water is the most essential requirement to sustain the human life and, therefore, there is need to preserve and protect it.
15. The Applicant applied for more information under RTI Act, more details will be submitted, if the applicant gets the details under RTI Act.

It is hereby prayed that pending action taken based on false report, dated: 25.11.2024 submitted by the District Collector, Srikakulam, the Hon'ble Tribunal may be pleased to consider these objections and facts submitted by the applicant and take action against the Respondent No. 2 on tendering of affidavits and undertakings containing false statements and pass an appropriate order or orders as deem fit and proper in the circumstances of the case.

For GAREEB GUIDE  
 G. Bhargavi  
 President  
**APPLICANT**

#### **VERIFICATION**

I Bhargavi Gundeti, President, Gareeb Guide (NGO), 7/41, Bahar, Sahara States, Mansoorabad, LB Nagar, Hyderabad-500068 do hereby verify that the contents of paras 1 to 16 believe to be true on legal advice and that I have not suppressed any material fact.

Date: 16.01.2025

Place: Hyderabad.



For GAREEB GUIDE  
 G. Bhargavi  
 President

**APPLICANT**