

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

OA No 57 OF 2023

IN THE MATTER OF:

GAREEB GUIDE (NGO)

..... Applicant

Vs

STATE OF ANDHRA PRADESH AND OTHERS

.... Respondents

REPORT FILED BY THE DISTRICT COLLECTOR R2

DATE- 01.01.2025



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE

BENCH AT CHENNAI

ORIGINAL APPLICATION No.57 OF 2023

&

I.A. No. 56 of 2023(SZ)

Gareeb Guide, Hyderabad.

.....Applicant

Versus

State of Andhra Pradesh,

Rep by its Chief Secretary to Govt.,

Andhra Pradesh

.....Respondents

PARA WISE REMARKS FILED BY THE RESPONDENT NO.2

I, Swapnil Dinkar Pundkar, aged about 39 years R/o Srikakulam, Occ: District Collector, Srikakulam District, Andhra Pradesh, do hereby solemnly affirm and sincerely state on oath as follows:

It is respectfully submitted that, I am the 2nd Respondent herein and as such I am well acquainted with the facts of the case. I have gone through the contents of the order dated 26.11.2024 issued by the Hon'ble National Green Tribunal, Southern Zone, Chennai and in reply the following Para wise remarks are hereby given.

"1. The application mentioned property relates only to Survey No.291/1B1 of Gottipalli Revenue Village, Narasannapeta Mandal, Srikakulam District, Andhra Pradesh.

2. In the report filed by the District Collector - Srikakulam District dated 25.11.2024, it is stated that as per the Field Measurement Book (FMB), the Sy.

No.219 is having an extent of 130 Acres, of which, Survey No.219/1B1 is having 124.42 Acres and classified as "Gramakantam".

3. The report goes on to say that there was no tank existed as per the Revenue Records, but at present on ground position, there is a tank called "Rajula Cheruvu" located in Survey No.219/1B1.

4. It is stated that even during the pre-independence time, it was classified as a "Gramakantam" in the revenue record. While so, it is noted that the same is de-notified under Section 22-A of the Andhra Pradesh Registration Act, 1908. The proceedings of which are not available with us.

5. Let the District Collector - Srikakulam District file a detailed report as to why the proceeding under Section 22-A was taken up.

6. The second part of the report filed by the District Collector relates to Survey No. 18/1 of Borigivalasa Revenue Village, Narasannapeta Mandal, which is not a subject matter in the application.

7. Let the District Collector also give his reasons for furnishing the documents relating to Survey No.18 whereas, the application pertaining only to Survey No.219/1B1.

8. Post the matter on 02.01.2025 for final hearing."

In reply to the Para 1, 6 & 7: It is respectfully submitted that, the Applicant Counsel in the Notice dated.11.10.2022 (as Annexure – 3 Page No 19 in his main OA) has issued before filing this OA. No. 57 of 2023 before this Hon'ble Tribunal has

contended about both the Government lands in Sy.No. 18(1), in Purusotham Colony of Boriginalasa & Sy.219 of Gottipalli Village, Narasannapeta Mandal.

It is submitted that this Hon'ble NGT, (SZ), Chennai, by its order dt.04.11.2024 has passed the following orders.

"1. The learned counsel appearing for the State of Andhra Pradesh seeks time to furnish a copy of the revenue records in support of her case.

2. Post the matter on 26.11.2024 for final hearing."

It is respectfully submitted that, as it is informed as 26.11.2024 is a final hearing. Hence, this Office Final report was submitted covering both the Survey numbers as contended by the Applicant.

In reply to the Para 2 & 3: No remarks

In reply to the Para 4& 5: It is respectfully submitted that, as per F.L.R(Fair land record) of Gottipalli Village the land situated in Sy. No.219(Ac. 130.00) is **classified as Sarkar poramboke and recorded as Grama Kantam with following sub-divisions.**

Sl.No	Sy. No.	Extent	Classification
1.	219-1A	Ac.5.35	Women's College
2.	219-1B1	Ac.124.42	Gramakantam
3.	219-1B2	Ac.0.03	Homeo Dispensary
4.	219-2	Ac.0.20	Panchayath Daily Market
TOTAL		Ac.130.00	

It is submitted that, vide G.O.Ms.No.187 Revenue (Assn.I) Dept., Dt.27.05.2015(Copy enclosed), to remove hardship of General Public the Government ordered that, the District Collectors should withdraw the Grama Kantam lands from the lists of Properties Prohibited from Registration furnished to the Registering Officers under Section 22-A of A.P Registration Act and also informed that, the Grama Panchayat is responsible to take appropriate action in respect of Grama Kantam lands including protection of extents of lands meant for community purpose.

It is submitted that, as per the above direction the following subdivisions were kept in Annexure-II U/s 22-A(1)(b) of Registration Act,1908, since these sub divisions are meant for community purpose so as to avoid illegal transactions against the lands.

Sl.No	Sy. No.	Extent	Name of the Assignee/ Allotee/Owner
1.	219-1A	Ac.5.35	Women's College
2.	219-1B2	Ac.0.03	Homeo Dispensary

With regard to Sy.No.219-1B1 (Ac.124.42) it is respectfully submitted that, the subject land is recorded as Gramakantam and as per G.O.Ms.No.187 Revenue (Assn.I) Dept., Dt.27.05.2015 the Government directed the District Collectors to withdraw the Grama Kantam lands from the lists of Properties Prohibited from Registration. Therefore, these sub division was not kept in Prohibited Properties List of Gottipalli Village.

It is finally submitted that, even though the subject land Rajula Cheruvu is not in Prohibitory Properties list, all possible steps are being taken by the District

Administration to protect Rajula Cheruvu in Sy.No.219-1b1 of Grama Kantam land in Gottipalli Village, along the Vamsadhara Canal in Sy.No.18(1) of Borigivalasa Village and Narasannapeta Mandal, Srikakulam District.

It is humbly prayed the Hon'ble National Green Tribunal to consider the above facts and pass such orders or order as the Hon'ble National Green Tribunal, (SZ), Chennai may deem fit and proper in this matter.

Solemnly and sincerely affirmed,
on this the ^{31st} day of December, 2024,
and signed his name in my presence.


Deponent
COLLECTOR
SRIKAKULAM

Attester.

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Lands – Govt. Lands – Withdrawal of “Gramakantam” lands from the purview of Section 22-A of Registration Act, 1908 – Orders – Issued.

REVENUE (ASSN.I) DEPARTMENT

G.O.Ms.No.187

Dated: 27-05-2015.

Read the following:-

1. G.O.Ms.No.863, Revenue (Reg.I) Dept., dt.20-06-2007.
2. Circular Memo No.G1/19131/05 Dt.14-09-2007 of the Commr. & I.G. of Registration and Stamps, A.P., Hyderabad.
3. G.O.Ms.No.100, Revenue (Assn.I) Dept., dt.22.02.2014.
4. From the Chief Commissioner of Land Administration, A.P., letter No.Assn.I(1)/733/2012, dated: 24.01.2015.
5. G.O.Ms.No.56, Revenue (Assn.I) Dept., dt.16.02.2015.
6. From the Chief Commissioner of Land Administration, A.P., letter No.Assn.I(1)/733/2012, dated: 29.04.2015.

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O R D E R:

Government vide G.O. 1st read above, issued notification that the Registration (A.P. Amendment) Act, 2007 shall come in to force with effect from 20-06-2007. The amendment related to Sec.22-A of the Registration Act, 1908 (here-in-after called 'the Registration Act'). In pursuance to the amendment, the Commissioner & I.G. of Registration and Stamps, vide reference 2nd read above, issued certain guidelines, inter alia, requiring the District Collectors to furnish lists of properties prohibited for Registration to Registering Officers. Accordingly, the District Collectors have furnished the lists to the Registering Officers which included the Survey nos. pertaining to “Gramakantam” lands along with Sy. Nos. of other Government lands. When general public approached Registering Officers for registration of private properties in “Gramakantam” lands, the Registering Officers started asking for 'NOC' from Revenue Authorities.

2. In the G.O. 3rd read above, certain guidelines were issued for issue of 'NOCs' for registration of “Gramakantam” lands. The Chief Commissioner of Land Administration, A.P., in letter 4th read above, has submitted proposals for cancellation of the said G.O. as general public were facing hardship in the sale transactions of lands under their possession and enjoyment in “Gramakantam” lands resulting in a number of court litigations. After careful examination, Government have cancelled the G.O.3rd read above vide G.O. 5th read above.

3. It has been brought to the notice of the Government that even after cancellation of the orders in the G.O. 3rd read above, the problems in registration of “Gramakantam” Lands have not solved as these lands were included in the prohibitory lists furnished by the District Collectors to the Registering Officers under Section 22-A of the Registration Act.

4. The Chief Commissioner of Land Administration in his letter 6th read above has requested the Government to take a decision for withdrawal of “Gramakantam” lands from the purview of Section 22-A of the Registration Act, 1908.

5. Government examined the matter in detail and found that the “Gramakantam” connotes the use of land where houses can be constructed, in contrast to other uses such as agriculture, grazing etc. The Hon'ble High Court in its order dated.09-07-2012 in W.P.No.553 of

(P.T.O.)

-:02:-

2012 (Nagarala Nirvasithula Welfare Association vs. the Government of A.P.) held that,

“On behalf of the respondents, reliance is placed upon judgment of this Court in Banne Gandhi and others vs. District Collector, R.R. district (2007-4) ALD 374 which arose under the A.P. Panchayat Raj Act, 1994. Section 58(1) thereof directs that all porambokes viz., grazing grounds, threshing floors, burning and burial grounds, cattle stands, carts tanks etc. vest in the Gram Panchayat. Sub-section (2) thereof directs that the Government may, at any time, by notification in the A.P. Gazettee, direct that any porambokes referred to in sub-section (1) shall cease to vest in the Gram Panchayat.

The Government initiated steps to issue house site pattas over the land which formed part of Gramakantam. The same was challenged stating that Gramakantam vests in the Gram Panchayat and that the Government cannot grant house site pattas in it. A learned Single Judge of this Court held that there is no mention of Gramakantam in sub-section(1) and thereby, the question of such lands vesting in the Government does not arise.”

6. Government after careful examination of the matter have decided that as “Gramakantam” lands vest in Gram Panchayats, there is a need to withdraw these lands from the purview of Section 22-A of the Registration Act to remove hardship of general public. Therefore, Government hereby order that the District Collectors shall withdraw the “Gramakantam” lands from the lists of properties prohibited from registration furnished to the Registering Officers under section 22-A of the Registration Act. It shall be the responsibility of the Gram Panchayats to take appropriate action in respect of “Gramakantam” lands including protection of the extents of lands meant for community purpose.

7. The Chief Commissioner of Land Administration, A.P., the District Collectors and Panchayat Raj Department shall take necessary action accordingly.

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

J.C.SHARMA,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Chief Commissioner of Land Administration, A.P., Hyderabad.
All the District Collectors.
The Panchayat Raj & R.D. Department.
The Director & I.G. (Stamps & Registration), A.P., Hyderabad.
The Directorate of Survey, Settlement & Land Records, A.P., Hyderabad.
The Commissioner of Panchayatraj, A.P., Hyderabad.
Copy to:
PS to Secretary to Hon’ble C.M.
PS to Hon’ble Dy.C.M.(Revenue)
PS to Chief Secreary.
PS to Principal Secretary (Revenue).
All Assignment Sections.
Sf/Sc.

//Forwarded :: By Order//

SECTION OFFICER.