

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

**OA No 86 OF 2024**

**IN THE MATTER OF:**

**JAKKAMSETTI BABU RAO**

..... Applicant

**Vs**

**ANDHRA PRADESH POLLUTION CONTROL BOARD & OTHERS**

.... Respondents

**REPORT FILED BY THE DISTRICT COLLECTOR – R3**

**DATE - 30.08.2024**



**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](mailto:reddymadhuri09@gmail.com)

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

**OA No 86 OF 2024**

**IN THE MATTER OF:**

**JAKKAMSETTI BABU RAO**

..... Applicant

Vs

**ANDHRA PRADESH POLLUTION CONTROL BOARD & OTHERS**

.... Respondents

**INDEX**

<b>SNO</b>	<b>DATE</b>	<b>DESCRIPTION OF THE DOCUMENT</b>	<b>PAGE NO</b>
1.	27.08.2024	REPORT FILED BY <b>COLLECTOR R3</b>	1 - 5
2.	-	<b>ANNEXURE – I</b> LIST OF BRICK KILNS LAND OWNERS	6
3.	23.06.2024	<b>ANNEXURE – II</b> W.P. NO 14868 OF 2023 HIGH COURT OF AP ORDER COPY	7 - 11
4.	20.09.2023	<b>ANNEXURE – III</b> MINUTES OF THE MEETING	12 - 16
5.	26.04.2023	<b>ANNEXURE – IV</b> COMPLIANT BEFORE NATIONAL HUMAN RIGHTS	17 - 19
6.	22.04.2010	<b>ANNEXURE – V</b> G.O.M.S No. 80/2010	20 - 21
7.	16.11.2020	<b>ANNEXURE – VI</b> MEMO NO. 1276591/CRP&RD/D1/2020	22
8.	24.06.2023	<b>ANNEXURE – VII</b> NOTICE ISSUED TO THE LAND OWNERS	23
9.	12.07.2023	<b>ANNEXURE – VIII</b> EVICTION ORDER	24 - 26
10.	14.07.2023	<b>ANNEXURE – IX</b> INTERIM ORDER IN W.P. NO 17382 OF 2023 HIGH COURT OF AP ORDER COPY	27 - 30

It is certified that all the documents contained in the above annexure are true copies.

Date: 27.08.2024

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

**OA No 86 OF 2024**

**IN THE MATTER OF:**

**Jakkamsetti Baburao** (aged about 57 years) son of Anjaneyulu, resident of 20-84, Pitanivari Street, Mogulthur, West Godavari, Andhra Pradesh – 534281 Ph : 9298803876 , Gmail : bharathmanoj123@gmail.com Aadhar No.656708606409

..... Applicant

Vs

**1. Andhra Pradesh Pollution Control Board,**

D.No.22 B-3-2, Kanukolanu Vari Street,  
Near Power Pet Railway Station, Eluru,  
Andhra Pradesh 534002.

Ph: 0881224966 Gmail: roelr-ee1@appcb.gov.in AND 18 others

.... Respondents

**COUNTER AFFIDAVIT FILED BY DISTRICT COLLECTOR R3**

I Smt.C.Naga Rani, W/o Umesh Chandra (late), aged about 49  
Occupation: District Collector West Godavari do hereby solemnly and sincerely  
affirm and state on Oath as follows:

1. I am the deponent herein and as such I am well acquainted with the facts and circumstances based on the records.
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 3<sup>rd</sup> Respondent.

x  
  
**DISTRICT COLLECTOR  
West Godavari District,  
BHIMAVARAM.**

3. It is submitted that the alleged Brick Kilns are country brick kilns and not having industrial infrastructure for continuous operations. No power load connected to brick kilns and only domestic connections observed for daily needs. Water is used for mixing of mitti.
4. It is submitted that the Brick Kilns are existed within the limits of Mogalthuru Gram Panchayat for more than 50 years running by traditional community on seasonal basis, and no permissions or No objection certificates issued by Gram Panchayat, Mogalthuru. There are 19 Brick Kilns (**Annexure -I**) are working without obtaining proper permissions from the concerned authorities and majority of these brick kilns used to be away from human habitations. Subsequently habitation developed in and around these brick kilns and Gram Panchayath never received any complaint about these brick kilns.
5. It is submitted that the owners of the Brick Kilns have filed W.P.No.14868/2023 before the Hon'ble High Court of Andhra Pradesh has been disposed of on 23.06.2023(**Annexure -II**) with a following direction:

Be that as it may. As the notice dated 15.03.2023 is in the form of an order containing directions and is not preceded by any Show-Cause Notice and liable to be set-aside, this Court deems it appropriate to dispose of the Writ Petition with the following directions: -

- a) The notice dated 15.03.2023 issued by the 1 st respondent shall be treated as Show-Cause Notice
- b) The petitioners shall file their objections/explanation to the said notice, within two weeks.
- c) The 1 st respondent on receipt of the objections/explanation shall pass appropriate orders strictly in accordance with law, after giving due opportunity of hearing to the petitioners, within a period of four weeks from the date of receipt of the objections/explanation.

  
**DISTRICT COLLECTOR**  
**West Godavari District,**  
**BHIMAVARAM.**

d) Till passing of appropriate orders as indicated above, the Gram Panchayat shall not interfere with the activities of the petitioners.

The Writ Petition is accordingly disposed of. There shall be no order as to costs. As a sequel, all pending applications shall stand closed.

6. It is submitted that in compliance to Hon'ble High Court order, a meeting was conducted on 20/09/2023 (**Annexure -III**) with the owners of the Brick Kilns by the officials of Gram Panchayat, Mogalthuru in Panchayat Office, Mogalthuru and the Owners of the Brick Kilns requested 1(One) year time as they already engaged labour and material for a period of six months and they will lose their livelihood. They requested the Revenue Department to provide suitable lands for their livelihood profession.
7. It is submitted that the alleged Health issues raised by the petitioner, the State Government of AP has conducted Arogya Suraksha Camps in two phases i.e., during October 2023 & January 2024. As per records verification, there were no super specialty referral cases as mentioned in the petition in Mogalthuru Village on Health issues for general public of Mogalthuru Village.
8. It is submitted that the petitioner herein has filed again complaint before the National Human Rights Commission in case No.655/1/24/2023. (**Annexure -IV**)
9. It is submitted that the Tahsildar, Mogalturu has conducted enquiry as per G.O.Ms.No:80, (EFS&T Department), dated 22.04.2010 (**Annexure -V**) and Memo.No.1276591/ CRP&RD/D1/2020, dated.16.11.2020 (**Annexure -VI**) and submitted report that in Mogaltur village there are 19 illegal brick kilns identified, which were established in the agricultural lands and located in the residential area and a Notice, dated.24.06.2023 (**Annexure -VII**) was issued to

\*   
**DISTRICT COLLECTOR**  
**West Godavari District,**  
**BHIMAVARAM.**

the land owners of the 19 illegal brick kilns in Mogaltur village and the said notices were served as per procedure.

10. It is submitted that the land owners of the illegal brick kilns of Mogaltur village have not submitted any explanation/Representation/Requisition even after completion of Notice period and not shifted illegal brick kilns from the existing places. Subsequently, eviction orders, dated 12.07.2023 (**Annexure - VIII**) has been passed by the Tahsildar, Mogaltur and served to the land owners of the 19 illegal brick kilns in Mogaltur village on 13.07.2023. The land owners of the illegal Brick Kilns in Mogaltur village have filed W.P. No:17382/2023 before the Hon'ble High Court of A.P against the Eviction orders issued by the Tahsildar, Mogaltur on 14.07.2023 and the Hon'ble High Court issued the following interim order dt. 14.7.2023: - (**Annexure -IX**)

"Let appropriate instructions be obtained with regard to the competency of the Tahsildar in issuing the notices and initiating proceedings in the matter, when an order has already been passed in W.P.No.14868 of 2023 as per which the Gram Panchayat was required to take action in the matter."

List this case after two (2) weeks in the Motion List'.

pending further consideration, no coercive action pursuant to the impugned proceedings shall be resorted to, for a period of eight (8) weeks."

11. It is submitted that in this W.P., Counter was filed by the 1<sup>st</sup> Respondent/Tahsildar, Mogaltur and the case is still pending before the Hon'ble High court of A.P.
12. It is submitted that in view of the above, reply petition may be filed in O.A.No. 86 of 2024 on the file of Hon'ble National Green Tribunal, Southern Zone, Chennai that since the subject matter is pending

  
**DISTRICT COLLECTOR**  
**West Godavari District,**  
**BHIMAVARAM.**

adjudication in W.P.No.17382 of 2023 of Hon'ble High Court of Andhra Pradesh, Amaravathi, appropriate action in this petition will be initiated subject to outcome of the Writ Petition.

13. In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above OA No. 86 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.

  
**DISTRICT COLLECTOR**  
**West Godavari District,**  
**BHIMAVARAM.**  
 Before ME

Solemnly and sincerely affirmed

at Green Tribunal, Chennai,

On this the 27<sup>th</sup> day of August, 2024

And signed his name in my presence.

Advocate

**VERIFICATION**

I Smt.C.Naga Rani W/o Umesh Chandra,(late), aged about 49 years Occupation: District Collector West Godavari 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 27<sup>th</sup> day of August, 2024 at Bhimavaram.

  
 Deponent  
**DISTRICT COLLECTOR**  
**West Godavari District,**  
**BHIMAVARAM.**

# ANNEXURE - I

## List of Brickkilns are indentified in Mogaltur Village of Mogaltur Mandal.

S.No	R.S.No	Extent	GD/ GW	Name of the Land owner.
1	732/3B2	0.80	G.D	Bonam Nage Veni, W/o. Veera Raghavulu
2	732/3B5	0.44	G.D	Ponnam Bramhaji Rao, S/o. Subba Rao
3	732/3A3	0.12	G.D	Adurthi Venkata Mutyam, S/o. Narayana Murthy
	732/3B4	1.53	G.D	
	766/3A	0.78	G.D	
4	262/2E1	0.27	G.D	Kattula Satyavathi, W/o. Somaraju
5	262/2B	0.26	G.D	Kasani China Ramakrishna, S/o. Mutyalu.
6	262/2D1	0.50	G.D	Medicharla Venkateswarlu, S/o. Satyam.
7	259/13	0.30	G.D	Kasani Venkata Siva Prasad, S/o. Venkata Swamy.
	260/2B2	0.20	G.D	
8	499/9C1	0.50	G.D	Kukkala Nageswara Rao, S/o. Venkanna
9	486/5A1	1.20	G.D	Ponnapalli Sri Rama Chandra Murthy, S/o. Satyanarayana.
10	485/4B	1.00	G.D	Ponnapalli Bramhaji, S/o. Appa Rao
11	456/1G	0.50	G.D	Sakhinetipalli Malleswara Rao, S/o. Mutyalu.
12	499/9A1	0.25	G.D	Pattapu Mutyala Rao, S/o. Krishna Rao.
13	474/7B	0.24	G.D	Manepalli Satyanarayana, S/o. Sesa Rao.
14	761/2B1	0.30	G.D	Ponnapalli Yedukondalu, S/o. Apparao.
15	761/2B2	0.30	G.D	Ponnapalli Krishna, S/o. Appa Rao.
16	761/2C	0.42	G.D	Ponnapalli Ram Prasad, S/o. Bhaskar Rao.
17	761/3	0.30	G.D	Ponnapalli Siva Sankar, S/o. Appa Rao.
18	765/1	0.50	G.D	Adurthy Satyanarayana, S/o. Narayana Murthy
19	453	0.20	G.P	Injeti Danam, S/o. Sambhamurthy.

I. V. Subhashini  
VRO 23/6/2024

R. V. Lakshmi.  
(VRO) 23/06/2024 -  
Mogaltur.

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI****THE HON'BLE SRI JUSTICE NINALA JAYASURYA****WRIT PETITION No.14868 of 2023**

Between:

Ponnappalli Krishna & 11 others ..... Petitioners

And

The Mogalthur Gram Panchayath,  
Rep. by its Panchayath Secretary,  
West Godavari District.,  
& 4 others ..... Respondents

Counsel for the Petitioners : M/s. S.R. Sanku &  
Mr. S.D Ramachandra Rao

Counsel for the R-1 : Mr. N. Srihari,  
S.C for Gram Panchayat

Counsel for the R-2 & R-5 : G.P for Panchayat Raj

Counsel for the R-3 & R-4 : G.P for Revenue

**ORDER:**

Heard learned counsel for the petitioners. Also heard learned Standing Counsel for the 1<sup>st</sup> respondent. With the consent of both sides, the Writ Petition is being disposed of at the stage of admission.

2. The Writ Petition is filed seeking to declare the action of the respondent No.1 in issuing impugned Notice dated 15.03.2023 calling upon the petitioners to stop the Brick Kiln activities, which are

being conducted in their respective premises, as illegal, unjust, arbitrary, etc., to set aside the same and for consequential orders.

3. The learned counsel for the petitioners with reference to the averments made in the Writ Petition advanced arguments. He submits that the petitioners are permanent residents of Mogalthur Village of the West Godavari District. He submits that petitioners belong to Kummari caste (potters), who make earthen vessels, water pots, etc., since the time of their forefathers they have been eking out their livelihood manufacturing bricks and the petitioners inherited the same from their forefathers and it has been their integral part of their daily life since then. He submits that the petitioners are paying Professional Tax and availing electricity supply. He submits that to the petitioners' utter surprise, the impugned notice was issued by the 1<sup>st</sup> respondent calling upon them to stop the brick kiln activities alleging that their establishments are causing pollution around the area. He submits that the 1<sup>st</sup> respondent did not conduct any field survey with regard to the cause of pollution in that area. He submits that no opportunity was given to the petitioners, much less, a show-cause notice inviting them to submit their objections. He submits that the procedure adopted by

the 1<sup>st</sup> respondent is illegal, arbitrary and violative of principles of natural justice. Making the said submissions, the learned counsel seeks appropriate directions.

4. The Learned Standing Counsel for the 1<sup>st</sup> respondent-Gram Panchayat on the other hand, made submissions in support of the issuance of impugned notice. However, as seen from the said notice, it would appear that the 1<sup>st</sup> respondent had straight away called upon the petitioner to stop manufacturing of bricks and prior to that no notice, much less, show cause-notice was issued to enable the petitioners to submit their explanation/objections. The action of the 1<sup>st</sup> respondent is therefore, not sustainable in Law.

5. Be that as it may. As the notice dated 15.03.2023 is in the form of an order containing directions and is not preceded by any Show-Cause Notice and liable to be set-aside, this Court deems it appropriate to dispose of the Writ Petition with the following directions:-

- a) The notice dated 15.03.2023 issued by the 1<sup>st</sup> respondent shall be treated as Show-Cause Notice.

- b) The petitioners shall file their objections/explanation to the said notice, within two weeks.
  - c) The 1<sup>st</sup> respondent on receipt of the objections/explanation shall pass appropriate orders strictly in accordance with law, after giving due opportunity of hearing to the petitioners, within a period of four weeks from the date of receipt of the objections/explanation.
  - d) Till passing of appropriate orders as indicated above, the Gram Panchayat shall not interfere with the activities of the petitioners.
6. The Writ Petition is accordingly disposed of. There shall be no order as to costs. As a sequel, all pending applications shall stand closed.

---

**JUSTICE NINALA JAYASURYA**

Date: 23.06.2023

**Note:** Issue C.C in one week

B/O

GVK

110

**THE HON'BLE SRI JUSTICE NINALA JAYASURYA**

**WRIT PETITION No.14868 of 2023**

Date: 23.06.2023

GVK

# ANNEXURE - III

మొగల్తూరు గ్రామంలో గల మట్టి ఇటుకల బట్టిల నిర్వాహకులకు మొగల్తూరు గ్రామపంచాయతీ కార్యాలయం నందు  
 ది.20.09.2023 తేదీన ఉదయం 10 గంటలకు విస్తరణ అధికారి(PR&RD) మొగల్తూరు వారి ఆధ్వర్యంలో  
 సమావేశము ఏర్పాటుచేయడమైనది .  
 సదరు సమావేశమునకు తప్పక హాజరు కావలసినదిగా తమరిని కోరడమైనది.

సమావేశంకు హాజరు అవ్వాలని సమాచారం అందినది.			
వరుస నెంబర్	ఇటుకల బట్టి నిర్వాహకుల పేరు	పేరియా	సంరకం
✓ 1	బోనం నాగమణి w/o వీర రాఘవులు	పంట కాలువ	BNL NAGAMANI
✓ 2	కత్తుల శివన్నారాయణ	పంట కాలువ	కత్తుల.శివన్నారాయణ
✓ 3	కత్తుల సోమరాజు	కోట	కత్తులసోమరాజు
✓ 4	మేడిచెర్ల కుమార్ రాజు S/O వెంకట్రావు	కోట	మేడిచెర్ల కుమార్ రాజు
✓ 5	పోన్నపల్లి రాంప్రసాద్ s/o భాస్కరరావు	వడయార్ పేట	
✓ 6	ఆదుర్తి సత్యనారాయణ s/o నారాయణ	వడయార్ పేట	Aduri Satyanarayana
7	కాసా సత్యనారాయణ	వడయార్ పేట	కాసా సత్యనారాయణ
✓ 8	ఇంజేటి దానం s/o సాంభమూర్తి	ఇంజేటి వారి పాలం రోడ్డు	J. D
✓ 9	వెలిది లక్ష్మి నారాయణ s/o పుల్లయ్య	కాసాని వారి వీధి	వెలిది లక్ష్మి నారాయణ
✓ 10	మల్లల రాంబాబుS/O శివ యోగి	కుళాయి చెరువు, స్కూలు వద్ద	M. Rambabu
11	షాశ్వత్ కెవ కంకరిం	పల్లెటూరు	షాశ్వత్ కెవ కంకరిం
12	షాశ్వత్ విడికొండల		షాశ్వత్ విడికొండల
13	షాశ్వత్ కృష్ణ		P. Krishna
14	షాశ్వత్ సత్యనారాయణ		షాశ్వత్ సత్యనారాయణ
15	శ్రీమతి కెంకల ముత్తం		శ్రీమతి కెంకల ముత్తం
16	కాసా శ్రీనివాసులక్ష్మి		కాసా శ్రీనివాసులక్ష్మి

మొగల్తూరు గ్రామంలో గల మట్టి ఇటుకల బట్టీల నిర్వాహకులమైన మేము మొగల్తూరు గ్రామపంచాయతీ కార్యాలయం నందు ది.20.09.2023 తేదీన ఉదయం 10 గంటలకు విస్తరణ అధికారి(PR&RD) మొగల్తూరు ఆధ్వర్యంలో ఏర్పాటు చేసిన సమావేశము నందు పంచాయతీ కార్యదర్శి వారికి మరియు విస్తరణ అధికారి(PR&RD) మొగల్తూరు వారికి వ్రాసి దాఖలు చేసుకున్న విన్నపములు.

మొగల్తూరు గ్రామంలో గల మట్టి ఇటుకల బట్టీల నిర్వాహకులమైన మేము బట్టీలు చుట్టు ప్రక్కల ప్రజలకు అభ్యంతరాలు లేకుండా సంవత్సరంలో 3 నుండి 4 నెలలు మాత్రమే ఇటుకలు తయారీ పని చేయడం జరుగుచున్నది. ఆ సమయంలో కూడా వర్షాలు రాకుండా ఉన్నప్పుడే పనులు జరుగుతాయి. ఎన్ని కష్టాలు ఉన్నాగాని, మాపూర్వీకుల నుండి ఈ కులవృత్తిని చేసుకుంటున్నాము.

మొగల్తూరు గ్రామంలో మరియు మొగల్తూరు చుట్టుప్రక్కల గ్రామాలలో జరుగు నిర్మాణాలకు ఎక్కువ శాతం ఇటుకలు ఇక్కడ నుండి సప్లై చేయడంజరుగుచున్నది. మొగల్తూరు గ్రామంలో నిర్వహిస్తున్న ఇటుకల బట్టీలు అన్నియూ స్వంత స్థలాలలో నిర్వహించుచున్నావేఉన్నవి. ప్రభుత్వ భూములలో ఏమి నిర్వహించుట లేదు. బట్టీలలో పనులు చేయుటకు గ్రామాలలో జనంతో పాటు, వెస్ట్ బెంగాల్ రాష్ట్రం నుండి కూడా లేబర్ పనులు చేసుకుంటూ జీవనం సామించుచున్నారు. సుమారు 300 కుటుంబాలు ప్రత్యక్షంగా, పరోక్షంగా (అనగా ఇటుక ఎగుమతులు చేయుటకు ట్రాక్టర్, ఆటో వారు, భవన నిర్మాణ కార్మికులు, లేబర్) ఉపాది పొందుతున్నారు. రాబోయే రోజులకు గాను ముందుగానే లేబర్ కు అడ్వాన్స్ లు ఇవ్వడం జరిగినది. మరియు మట్టి, పుల్లలు వంటి ముడిసరుకులు ముడుగానే సిద్ధంచేసుకోవడం జరిగినది.

కోర్టు వారు కూడా మా అభ్యంతరాలను పరిగణలోకి తీసుకోమని తెలియజేసియున్నారు. ఇటుకల బట్టీలు నిర్వహణ నిలిపివేస్తే మేము, మా కుటుంబాలు మరియు ఇటుకల బట్టీలు నిర్వహణ పై ఆదారపడిన కుటుంబాలు రోడ్డున పరిస్థితి ఉన్నది. కావున మాకు ఒక సంవత్సరం గడువు ఇప్పించవలసినదిగా మరియు ఆదేవిధంగా రెవెన్యూ డిపార్ట్మెంట్ వారి ద్వారా మొగల్తూరు గ్రామంలో ప్రభుత్వ నియమనిభందనలు మేరకు నివాసాలకు దూరంగా మా వృత్తి చేసుకొనుటకు (ఇటుకల బట్టీలు నిర్వహణ నిమిత్తం) మాకు స్థలాలు కేటాయించి, సుమారు 300 కుటుంబాలకు జీవనోపాది పోకుండా చూడవలసినదిగా ఏలినవారిని కోరుచున్నాము.

ఇట్లు

ఇందలి ప్రతి:

1. శ్రీ తహశీల్దార్, మొగల్తూరు వారికి.
2. శ్రీ సబ్ కలెక్టర్, నరసాపురం వారికి.
3. శ్రీ జిల్లా కలెక్టర్, పశ్చిమగోదావరి జిల్లా, భీమవరం వారికి.

పొన్నపల్లి కిరణ్

అవుల సెక్టర్, నారాపేట, తెలంగాణ.

పొన్నపల్లి ఎడమవంకల  
పూర్వీకులైన ప్రభుత్వ నిర్మాణ కార్మికులు  
కాపాసేవ గా రుగ్గులు

పొన్నపల్లి కిరణ్  
అవుల సెక్టర్, నారాపేట, తెలంగాణ  
K.వి.వ. రాజు

మలుల రాంబాబు  
 వివిధ ప్రకారమునాడు  
 మిడిపల్లి కుమార రాజు ప్రకారము  
 గుంటూరు దాకం  
 రేవుల నావరాజు  
 అందు వరకు పంపించినాడు  
 కట్టల సుప్రకారము

**TRUE TRANSLATION TO ANNEXURE-III**

A meeting is arranged the Owners of clay Brick Kilns in Mogalthur Village at Mogalthur Garama Panchayath Office, at 10AM on 20.09.2023 under the direction of Extension Officer(PR&RD) Mogalthur.

<b>S.No</b>	<b>Name of the Brikiln Operator</b>	<b>Area</b>	<b>Signature</b>
1	Bonam Naga Mani W/o Veera raghavulu	Panta Kaluva	
2	Katthula Sivannarayana	Panta Kaluva	
3	Katthula SomaRaju	Kota	
4	Medicherla Kumar Raju S/o Venkatarao	Kota	
5	Ponnapalli Ramprasad S/o Bhaskararao	Wadayar Pet	
6	Adhurthi Satyanarayana S/o Narayana	Wadayar Pet	
7	Kapa Satyanarayana	Wadayar Pet	
8	Injeti Danam S/o SambaMurthy	Injeti vari Palem Road	
9	Velidhi Lakshmi Narayana S/o Pullaiah	Kasani vari Veedhi	
10	Mallula Rambabu S/o SivaYogi	Kulayi cheruvu near Cemetry	
11	Ponnapalli Siva Shankaram	Wadayar Pet	
12	Ponnapalli Yedukondalu	Wadayar Pet	
13	Ponnapalli Krishna	Wadayar Pet	
14	Manepalli Satyanarayana	Wadayar Pet	
15	Adhurthi Venkata Muthyam	Wadayar Pet	
16	Kapa Srinivasa Rao	Wadayar Pet	

We, the managers of clay brick kilns in Mogalthur village, have submitted written requests to the Panchayat Secretary and the Extension Officer (PR&RD) Mogalthur in a meeting held at Mogalthur Gram Panchayat Office on 20.09.2023 at 10 am under the direction of Extension Officer (PR&RD) Mogalthur.

We, the managers of the clay brick kilns in Mogalthur village, are making bricks only for 3 to 4 months of the year without any objection from the people around the kilns. Even at that time the works are done when there is no rain. No matter how many hardships there are, we are doing this clan craft from our forefathers. Majority of bricks are supplied from here for constructions in Mogalthur village and surrounding villages. All the brick kilns operating in Mogalthur village are operating in their own premises. There is no management in government lands.


Along with the people in the villages to work in the kilns, they also earn a living by doing labour work from the state of West Bengal. About 300 families are directly and indirectly (i.e. tractors for brick exports, auto drivers, construction workers, labour) getting employment and the raw materials like clay and sours were prepared early.

The court has also informed to consider our objections. If the operation of brick kilns is stopped, we, our families and the families who depend on the operation of brick kilns are in dire straits. Therefore, we request that a period of one year should be given to us and similarly the revenue department should allot us places to do our profession away from the residences (for managing brick kilns) as per government regulations in Mogalthur village and ensure that about 300 families do not lose their livelihood.

1. xxxxxx( Ponnapalli Krishna)
2. xxxxxx( Adurthi Satyanarayana)
3. xxxxxxxxx( Ponnapalli  
Yedukoindalu)
4. xxxxxxxxx( Manepalli Satyanarayana)
5. xxxxxxxxx( Kapa Satyanarayana)
- 6 xxxxxxxxx (Ponnapalli Sivasankara Rao)
7. xxxxxxxxx (Adurhti Venkata Muthyalu )
8. xxxxxxxxx (K.Srinivasa Rao)
9. xxxxxxxxx (Mallula Rambabu)
10. xxxxxxxxx (velida Lakshmana Rao )
11. xxxxxxxxx (Medicherla Kumara Raja )
12. xxxxxxxxx (Injeti Danam)
13. xxxxxxxxx (Kattula Somaraju )
14. xxxxxxxxx (Bonam Narsimha Rao )
15. xxxxxxxxx ( Kattula suryachandra Rao)

Copy to

1. To Shri Tahsildar, Mughaltur,
2. To Shri Sub Collector, Narasapuram.
3. To Sri District Collector, West Godavari District, Bhimavaram.

Translated by me  


2019722/2023/TAPPAL-COLLECTORATE-WGO  
Email

P. Prasanthi, IAS

Disposed with Directions - 655/1/24/2023



Wed, Apr 26, 2023 09:06 PM

2 attachments

**From :** nhrc india <nhrc.india@nic.in>  
**Subject :** Disposed with Directions - 655/1/24/2023  
**To :** collector wgd <collector\_wgd@ap.gov.in>,  
bharathmanoj001@gmail.com  
**Cc :** ar8 nhrc <ar8.nhrc@nic.in>

**Case No.- 655/1/24/2023**

NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)

\*\*\*

MANAV ADHIKAR BHAWAN, BLOCK-C,  
G.P.O. COMPLEX, INA, NEW DELHI- 110023  
Fax No.: 011-24651332 Website: www.nhrc.nic.in

Date : 26/04/2023

To,

THE DISTRICT MAGISTRATE  
WEST GODAVARI ANDHRA PRADESH  
Email- collector\_wgd@ap.gov.in

Sir/Madam,

The complaint/intimation dated 17/04/2023, received from JAKKAMSETTI BABU RAO in respect of JAKKAMSETTI BABU RAO, was placed before the Commission on 26/04/2023. Upon perusing the same, the Commission directed as follows:

This complaint be transmitted to the concerned authority for such action as deemed appropriate. The authority concerned is directed to take appropriate action within 8 weeks associating the complainant/victim and to inform him/her of the action taken in the matter.

2. Accordingly, I am attaching scanned copy of the complaint/intimation for necessary action as per the directions of the Commission.

Yours faithfully

Sd/-

Gyanendra Singh

ASSISTANT REGISTRAR (LAW)

SB-3 Section

2019722/2023/TAPPAL-COLLECTORATE-WGO

Ph. No. 011-24663387

Email. ar8.nhrc@nic.in

CC to

Complainant Details:

Case No. 655/1/24/2023

JAKKAMSETTI BABU RAO

19-77, PALAPARTHI VARI PETA

WEST GODAVARI , ANDHRA PRADESH

534281

Sd/-

Gyanendra Singh

ASSISTANT REGISTRAR (LAW)

Ph. No. 011-24663387

Email. ar8.nhrc@nic.in

- 
1. This is a system generated email sent using email-id [nhrc.india@nic.in](mailto:nhrc.india@nic.in). However, this email-id cannot be used to send any communication to the Commission. If needed, the email-id [cr.nhrc@nic.in](mailto:cr.nhrc@nic.in) may be used to send communications to the Commission, mentioning the case number mentioned above.
  2. For latest information about the Commission, visit our website at <https://nhrc.nic.in>.
  3. For lodging/ tracking of complaints and uploading of action taken reports by Public Authorities, HRCNet Portal at <https://hrcnet.nic.in> may be visited.
  4. For general information, follow us at twitter handle ( [https://twitter.com/ndia\\_NHRC](https://twitter.com/ndia_NHRC) ) and subscribe YouTube channel of the Commission at <https://www.youtube.com/NationalHumanRightsCommission>.

---

— 6337-IN-2023.pdf

2 MB

— DiaryDetails.pdf

79 KB

## 2019722/2023/TAPPAL-COLLECTORATE-WGO

## Online Diary Details

Complainant Details			
Diary No.	6337/IN/2023	Complaint Document ID	3439144
Name	Jakkamsetti Babu Rao		
Address	19-77, palaparathi vari peta		
District	WEST GODAVARI	State	ANDHRA PRADESH
Mobile No	9110787883	Email ID	bharathmanoj001@gmail.com
PIN Code	534281		
Victim Details			
Name	Jakkamsetti Babu Rao	Age / Gender	56/M
Address	19-77, palaparathi vari peta		
District	WEST GODAVARI	State	ANDHRA PRADESH
Victim Caste	Other Backward Class	Victim Religion	Hindu
Victim Disability	N		
Incident Details			
Category	INACTION BY THE STATE GOVERNMENT/CENTRAL GOVT.OFFICIALS (1505)	District	WEST GODAVARI
Place	Mogalthur		
State	ANDHRA PRADESH	Date	22/03/2023
Accused Name			
Complaint Details			
Complaint Date	17/04/2023		
Complaint Gist	<p>I am writing this letter to bring to your attention the harassment and mistreatment that I am facing in the hands of Naveen Kiran EOPR&amp;RD 0/o MPDO Office Mogalthur - 534281 , The Sub Collector Narsapuram - 534275 , and The District Collector Bhimavaram - 534201 , all located in West Godavari District, Andhra Pradesh.</p> <p>As a concerned citizen, I have been fighting against illegal brick kilns in my area. I had written an RTI letter to The District Collector Bhimavaram to obtain information about this matter. However, the letter was forwarded to The Sub Collector Narsapuram, and eventually to Naveen Kiran EOPR&amp;RD 0/o MPDO Office Mogalthur.</p> <p>Naveen Kiran EOPR&amp;RD 0/o MPDO Office Mogalthur had called me and asked me to meet him, even though it was a holiday for me. During the meeting, he provided me with an RTI reply letter that contained irrelevant information. When I asked him to provide me with the RTI letter that I had sent, he refused and made false statements about me and my son. Fortunately, I had recorded the conversation, and I immediately informed The District Collector Bhimavaram and The Sub Collector Narsapuram about the false statements.</p> <p>Despite my complaints, The District Collector Bhimavaram and The Sub Collector Narsapuram did not take any action. In fact, The Sub Collector Narsapuram even told me that asking questions was not acceptable in an RTI letter. Moreover, I have been receiving threatening calls from various individuals, and Naveen Kiran EOPR&amp;RD 0/o MPDO Office Mogalthur is pressuring me to withdraw my complaint.</p> <p>As this matter concerns life and liberty, I urge you to investigate this issue and take appropriate action against the concerned officers. Their negligence and misuse of power are causing me undue stress and anxiety. This is the G-drive link to the audio recording of my conversation with Naveen Kiran, which took place on Ugadhi : <a href="https://drive.google.com/file/d/1LAUxinlwjW1sRlrm8bL-x3swqbnxltVX/view?usp=drivesdk">https://drive.google.com/file/d/1LAUxinlwjW1sRlrm8bL-x3swqbnxltVX/view?usp=drivesdk</a></p> <p>Thank you for your attention to this matter.</p>		
Relief	Request thorough investigation and action against Naveen Kiran, Sub Collector Narsapuram, and District Collector Bhimavaram for misconduct and power misuse. Ensure protection from harassment, uphold right to information, provide compensation, and provide mental health support.		
Authority Name	1.Naveen Kiran EOPR and RD 2.The Sub Collector 3.The District Collector		
Authority Address	Mogalthur , West Godavari District , Andhra Pradesh 534281 ,		
Victim Web Display	True	Complainant Web Display	True

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

E.F.S.&T. Department – Brick Kilns – Guidelines in respect of establishment of Brick Kilns in the State – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (ENVIRONMENT) DEPARTMENT

G.O.Ms.No. 80

Dated:22-04-2010.  
Read the following:-

1. From the Advocate General, High Court Buildings, Hyderabad, Letter No.619 of 2010, dated:28-01-2010.
2. Government D.O.Lr.No.579/Env./2010, dated:01-02-2010.
3. From Member Secretary, A.P. Pollution Control Board, Hyderabad, Letter No.76/PCB/CFE/HO/Brick Kilns/2010-55, dated:08-04-2010.
4. From the Advocate General, High Court Buildings, Hyderabad, Letter No.357 of 2010, dated:17-04-2010.
5. From Member Secretary, A.P. Pollution Control Board, Hyderabad, Letter No.76/PCB/CFE/HO/Brick Kilns/2010-114, dated:19-04-2010.

\*\*\*

In W.P. No.26243 of 2007 filed by Sri Adapa Narayana Swamy and others questioning the establishment of Bricks Kilns in Survey No.162/7, 162/8 and 162/9 of Kulla village, K. Gangavaram Mandal, East Godavari District, the Court directed the State to evolve guidelines and policy to regularize and monitor the Brick Kilns activities in the state.

The issue has been examined in consultation with the Member Secretary, A.P. Pollution Control Board, Hyderabad, and considered that the activity of brick manufacturing is not among the scheduled 66 categories of small scale polluting units as per GOs 1 & 2 of Environment, Forests, Science & Technology Department, dated: 23-01-1995 and their amendments thereof, for which pollution clearance needs to be obtained. Hence, the Pollution Control Board does not issue any clearances to these brick clamps. However, the brick clamp's owner has to obtain an acknowledgement from the General Manager, District Industries Centre (GM,DIC). This acknowledgement serves the purpose of the consent of the Board. As, the activity of brick manufacturing is not one of the scheduled industries in the Air (Prevention & Control of Pollution) Act, 1981, the A.P. Pollution Control Board does not have any direct control over the manufacturers of bricks. The limited control which can be exercised on such industries, is through Tahsildar of concerned area who can take action under section 133 of Cr.P.C in case of violations.

The Hon'ble High Court of Andhra Pradesh while disposing Writ Petition No. 12138/2008 & batch cases vide order dated:30-07-2008 observed that "the activity of the brick manufacturing, which is not one of the scheduled industries in the Air (Prevention & Control of Pollution) Act, 1981, and it is not open for the Andhra Pradesh Pollution Control Board to have any direct control over the manufacturers of bricks. The limited control which can be exercised on such industries, is through Tahsildar of the concerned area who can be instructed to take appropriate action and directed the District Collector to initiate action against the brick manufacturers within the stipulated time."

In the reference 5<sup>th</sup> cited, the Member Secretary, A.P. Pollution Control Board, Hyderabad, after interacting with the Industries Department, has furnished revised draft guidelines in the matter.

(P.T.O)

-2-

The Government, after careful examination of the matter, hereby issue the following guidelines for establishment of Brick Clamps in the State of Andhra Pradesh:

1. An application for establishment of Brick Clamp made to Industries Department shall be accompanied by a no objection / license from the local body (Gram Panchayat, Zilla Parishad, Municipality or Municipal Corporation). It is open to the local body to consider the objections, if any, made to such application before grant of No objection Certificate to the applicant.
2. The edge of the Brick Clamp (batti) shall be at a radial distance of -
  - a. 1 Km from any human habitation, hospitals, educational or any other institutions;
  - b. 100 m as far as practicable, but in no case less than 50 mtrs from the neighbors' agricultural/horticulture lands. The Brick Clamp shall have the accessibility without disturbing the surrounding crops;
  - c. 100 mtrs from flood banks of river;
  - d. 200 mtrs from the National Highways/State Highways / Expressways / Ring Roads; and
  - e. 25 m from the village roads.
3. The General Managers, District Industries Centres shall issue acknowledgements to those Units which are complying with above guidelines duly stipulating the above mentioned guidelines as conditions.
4. Mitigative measures to control pollution;
  - a. To minimize generation of fugitive emissions due to movement of vehicles, the passage around the brick clamps within the premises should be paved with broken bricks;
  - b. Ash produced everyday shall be transported to a disposal site or reused in brick making to reduce fugitive emissions;
  - c. The brick clamp (Batti) shall be located / operated in such a way that it shall not affect the agricultural activity in the vicinity; and
5. The Revenue Authorities viz. Collector and District Magistrate / R.D.O. / Tahasildar shall continue to take action against defaulting units under the provisions of Cr.P Code as upheld by the Hon'ble High Court in the W.P.No.12138 /2008 and batch cases.

The District Collector of the concerned District shall monitor implementation of the guidelines.

The G.O. is available on the Internet and can be accessed at the address "<http://www.ap.gov.in/goir>".

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

JANAKI R.KONDAPI,  
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To  
The Member Secretary, Andhra Pradesh Pollution Control Board, Hyderabad.  
All the District Collectors in the State.  
The Commissioner of Industries, Andhra Pradesh, Hyderabad.  
The Industries and Commerce Department.  
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER.

GOVERNMENT OF ANDHRA PRADESH  
OFFICE OF THE COMMISSIONER, PANCHAYAT RAJ AND RURAL DEVELOPMENT  
PVS ICON BUILDING, TADEPALLI, GUNTUR DISTRICT

Memo. No. 1276591/CP&RD/D1/2020, dt: 16/11/2020

Sub	V&E - Inspection of Brk Kiln Units in Krishna District - Function of Brick Units without payment of Registration fee to Mines & Geology Dept. and Panchayat Raj Dept - Detected evasion of Registration Fee of Rs. 70,14,000/-
Ref	Govt. Memo No. 1660/VE.HR/2020, dt: 29.06.2020 of the GAD (V&E) Dept.

Copy of the Govt. Memo in the reference cited is sent herewith and all the District Collectors / District Panchayat Officers are requested to instruct;

a. All the Divisional Panchayat Officers of the District to take necessary steps for setting all the brick kilns registered in terms of G.O. Ms. No. 80 EFS & T Dept., dt: 22.04.2010.

*15/11/2020*  
b. All the Tahsildars to conduct periodical inspection over the brick kilns and see that the guidelines issued by Govt. are strictly implemented and also to take penal action against the violators under Cr. P Code as stipulated in G.O. Ms. No. 80, EFS & T Dept. dt: 22.04.2010.

Action taken in the matter may be intimated at the earliest.

(Issued under note orders of the Commissioner, PR&RD)

E Krishna Menari

For Commissioner, PR&RD

To

All the District Collectors in the State.

All the District Panchayat Officers in the State.

Copy submitted to

The Principal Secretary to Govt. PR&RD (Vig.V) Dept., A.P., Secretariat, Velagapudi.

The Director General, (Vig & ENFT) & E.O. PRL. SECY to Govt., A.P. Secretariat, Velagapudi.

Roc.No: 32 /2023/A

Office of the Tahsildar,  
Mogaltur.Date:24.06.2023Present: Smt.G.Anitha Kumari, B.S.c.,  
Tahsildar,Mogaltur Mandal

\*\*\*

**NOTICE**

\*\*\*

The rules framed there under the Environment (Protection) Act'1986 and Air (Prevention of Control Pollution Act)'1981 and also with reference to the G.O.Ms.No:80, Environment, Forest, Science & Technology (Environment) Department, Dated: 22.04.2010 and Section 3 of A.P. Agricultural Land (conversion for non-agricultural purpose) Act' 2006, the following land owners of the Mogaltur Village of Mogalthur Mandal are directed to shift their illegal Brick Kilns to a distance of 1-00 Kilo Meter from the residential area and also called for explanation as to why action should not be taken against land owners for using the Agricultural land for Non-agricultural purpose. Hence, Notice issued to the following land owners and directed to implement the above directions within 7 days from the date of receipt of this Notice.

S.No	Village	R.S.No	Extent	GD/ GW	Name of the Land owner.
1	Mogaltur	732/3B2	0.800	G.D	Bonam Nage Veni,W/o. Veera Raghavulu

If, not the above illegal Brick Kilns established in Mogaltur Village will be evicted by following due process of law under section 133 of Cr.P.C.

*G. Anitha Kumari*  
TAHSILDAR  
MOGALUR 24/6/23

To  
Bonam Nage Veni, W/o. Veera Raghavulu.  
Mogaltur Village of Mogalpur Mandal.

*28/6/23*

*Subbarao B. Devi*

*25/6/23*

*9912471987*

PROCEEDINGS OF THE MANDAL EXECUTIVE MAGISTRATE & TAHSILDAR,  
MOGALTUR  
PRESENT: SMT.G.ANITHA KUMARI, B.S.c.,

Roc.No:32/2023/A

Dt:12.07.2023.

Sub: Evictions – Narasapuram Division – Mogalturu Village & Mandal – Sri Jakkamsetti.Babu Rao Complaint filed against the illegal Brick kilns in Mogalthur Village before the Hon'ble NHRC – Notices issued to the Brick Kilns owners U/s.133 of Cr.P.C,1973 - Eviction Orders issued.

- Read:-
1. Roc.No:Magl/E-1919941/2023, adted:17.05.2023 of District Collector, W.G, Bhimavaram
  2. Roc.No:413/2023/C, Dated:25.05.2023 from Sub Collector, Narsapuram.
  3. This office Roc.No:32/2023/A, dated:29.05.2023.
  4. Roc.No:Magl/E-1919941/2023,dated:21.06.2023 of District Collector, W.G, Bhimavaram.
  5. Reports of the VRO's Mogaltur-1,2,3 &4.
  6. Notices vide Roc.32/2023/A,Date:24.06.2023.

\*\*\*\*\*

**ORDER:**

As per the mail received from the National Human Rights Commission vide Case No.655/1/24/2023 filed by Sri Jakkamsetti Baburao, the District Collector, West Godavari, Bhimavaram has directed to conduct detailed enquiry into the complaint against the Illegal Brick Kilns in Mogaltur village and submit the report immediately duly verifying as per G.O.Ms.No:80, (EFS&T Department), dated:22.04.2010 and Memo.No. 1276591 / CRP &RD/ D1/2020,dated.16.11.2020.

The subject matter has got enquired in Mogaltur village and identified that there are 19 illegal brick kilns were established in the agricultural lands and also located in the Residential area.

The existing rules framed there under the Environment (Protection) Act'1986 and Air (Prevention of Control Pollution Act)'1981 and also with reference to the G.O.Ms.No:80, Environment, Forest, Science & Technology (Environment) Department, Dated: 22.04.2010 and Section 3 of A.P. Agricultural Land (conversion for non-agricultural purpose) Act' 2006 prepared Notices, dated.24.06.2023 and issued to the 19 illegal Brick Kilns owners in Mogaltur village duly *directed to shift their illegal Brick Kilns to a distance of 1-00 Kilometer from the residential area and also called for explanation as to why action should not be taken against land owners for using the Agricultural land for Non-agricultural purpose within 7 days from the*

date of receipt of the notice" and the said notices have been served to the land owners on the dates from 25.07.2023 to 28.07.2023 as per mode of service.

After completion Notices period from the date of serving the notices, the land owners of the illegal brick kilns of Mogaltur village have not submitted any Explanation/Representation/Requisition against the said notices as on date i.e., more than the stipulated time nor shifted their illegal brick kilns from the existing places.

Hence, it is clearly established that the 19 Illegal Brick Kilns owners have deemed to be agreed that they are violating the rules framed under the Environment (Protection) Act'1986 and Air (Prevention of Control Pollution Act)'1981 and G.O.Ms.No:80, Environment, Forest, Science & Technology (Environment) Department, Dated: 22.04.2010 and Section 3 of A.P. Agricultural Land (conversion for non-agricultural purpose) Act' 2006.

In view of the above, the Mandal Revenue Inspector, Mogalturu Mandal is hereby directed to evict the 19 illegal brick kilns in Mogaltur village U/s.133 of the Code of Criminal Procedure' 1973 and as per the G.O.Ms.No:80, Environment, Forest, Science & Technology (Environment) Department, Dated: 22.04.2010 and also to implement the orders in W.P.No:25459/2007 and W.P.No:12138/2008 issued by the Hon'le High Court of A.P. and see that there shall not be any activity which will give rise to pollution on the land and send action taken report to this Office immediately.

G. Anitha Kumari  
TAHSILDAR  
MOGALTUR. 12/7/23

To,

The Mandal Revenue Inspector, Mogalturu Village and Mandal.

The Panchayat Secretary, Gam Panchayat, Mogaltur Village directed to provide assistance to the Revenue Inspector along with the Panchayat Staff and make necessary arrangements during the eviction work.

Copy submitted to the Sub Collector, Narsapuram for information.

Copy submitted to the District Collector, W.G, Bhimavaram for information.

Copy to the following land owners of illegal Brick Kilns.

- 1) Smt Bonam Nage Veni, W/o. Vecra Raghavulu, Mogaltur(V),(M).
- 2) Ponnamm Bramhaji Rao, S/o.Subba Rao, Mogaltur(V),(M).
- 3) Adurthi Venkata Mutyam, S/o. Narayana Murthy, Mogaltur(V),(M).

- 4) Kattula Satyavathi, W/o. Somaraju, Mogaltur(V),(M).
- 5) Kasani China Ramakrishna, S/o. Mutyalu, Mogaltur(V),(M).
- 6) Medicharla Venkateswarlu, S/o. Satyam, Mogaltur(V),(M).
- 7) Kasani Venkata Siva Prasad, S/o. Venkata Swamy, Mogaltur(V),(M).
- 8) Kukkala Nageswara Rao, S/o. Venkanna, Mogaltur(V),(M).
- 9) Ponnappalli Sri Rama Chandra Murthy, S/o. Satyanarayana, Mogaltur(V),(M).
- 10) Ponnappalli Bramhaji, S/o. Appa Rao, Mogaltur(V),(M).
- 11) Sakhinetipalli Malleswara Rao, S/o. Mutyalu, Mogaltur(V),(M).
- 12) Pattapu Mutyala Rao, S/o. Krishna Rao, Mogaltur(V),(M).
- 13) Manepalli Satyanarayana, S/o. Sessa Rao, Mogaltur(V),(M).
- 14) Ponnappalli Yedukondalu, S/o. Apparao, Mogaltur(V),(M).
- 15) Ponnappalli Krishna, S/o. Appa Rao, Mogaltur(V),(M).
- 16) Ponnappalli Ram Prasad, S/o. Bhaskar Rao, Mogaltur(V),(M).
- 17) Ponnappalli Siva Sankar, S/o. Appa Rao, Mogaltur(V),(M).
- 18) Adurthy Satyanarayana, S/o. Narayana Murthy, Mogaltur(V),(M).
- 19) Injeti Danam, S/o. Sambhamurthy, Mogaltur(V),(M).

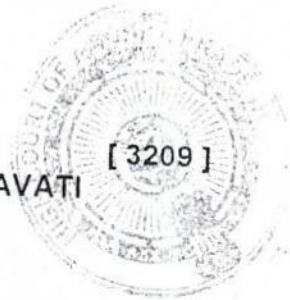
1c PS  
Mogaltur 12/7/23

Siimla  
MRE

1. B.N. Narayana Rao (6665) 7989188109
2. P. Tarahmaji Rao,  
9441447444,
3. ~~...~~
4. ~~...~~ 9292658447
5. ~~...~~
6. M. Kumar Reddy 9885294706
7. ~~...~~
8. B. Subrahmanyam 9000657620
9. ~~...~~
10. P. Brahmanji Rao 9959654444
11. S. Narasimhan

14. ~~...~~ 6305416355
15. - P. Vishnu 6305416355
16. P. Pan Prasad 9949034633
18. Akhanti Satyanarayana
19. ~~...~~ V. Subhashini VLO

12. K.M. Venkatesh
13. P. Subrahmanyam



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
FRIDAY, THE FOURTEENTH DAY OF JULY  
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

IA No. 1 OF 2023

IN

WP NO: 17382 OF 2023

Between:

1. Ponnappalli Krishna, S/o P. Apparao, aged about 48 years old, Occ- Brick Kiln Business, R/o D.No.20-68, Vadayar Street, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
2. Ponnappalli Siva Shankara Rao, S/o P. Apparao, aged about 64 years old, Occ- Brick Kiln Business, R/o Vadayar Street, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
3. Ponnappalli Ram Prasad, S/o P. Bhaskar Rao, aged about 48 years old, Occ- Brick Kiln Business, R/o Vadayar Street, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
4. Adhurthi Satyanarayana, S/o Narayana Murthy, aged about 65 years old, Occ- Brick Kiln Business, R/o Vadayar Street, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
5. Kapa Satyanarayana Rao, S/o K. Muthyala Rao, aged about 70 years old, Occ- Brick Kiln Business, Rio Vadayar Street, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
6. Kapa Srinivasa Rao, S/o K. Rama Rao, aged about 54 years old, Occ- Brick Kiln Business, R/o Vadayar Street, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
7. Manepalli Satyanarayana, S/o Sesha Rao, aged about 60 years old, Occ- Brick Kiln Business, R/o Vadayar Street, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
8. Sakkinetipalli Veera Bhaskara Rao, S/o Venkata Muthyam, aged about 53 years old, Occ- Brick Kiln Business, R/o Vadayar Street, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
9. Bonam Naga Devi, W/o late Veera Raghavalu, aged about 65 years old, Occ- Brick Kiln Business, R/o Canal Road, Mogaithur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
10. Kattula Somaraju, S/o Venkateswara Rao, aged 48 years old, Occ- Brick Kiln Business, R/o near ZPHS, Mogaithur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
11. Medicherla Kumar Raju, S/o Venkateswara Rao, aged about 43 years old, Occ- Brick Kiln Business, R/o Near ZPHS, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh
12. Veldi Lakshmi Narayana, S/o Pullaiah, aged about 55 years old, Occ- Brick Kiln Business, R/o Near Shivalayam, Mogalthur Village and Mandal, West Godavari District (Present Bhimavaram District), Andhra Pradesh

...Petitioners  
(Petitioner in WP 17382 OF 2023  
on the file of High Court)

**AND**

1. The Tahsildar, Mogaithur Mandal, West Godavari District, Andhra Pradesh
2. The District Collector, West Godavari District, Andhra Pradesh
3. The Mogaithur Gram Panchayath, Represented by its Panchayath Secretaty, Mogaithur Mandal, West Godavari District, Andhra Pradesh
4. The State of Andhra Pradesh, Represented by its Principal Secretary, Department of Revenue, A.P. Secretariat, Velagapudi, Amaravati, Andhra Pradesh

...Respondents  
(Respondents in-do-)

**Counsel for the Petitioners :** Sri S R Sanku & Kaviti Murali Krishna  
**Counsel for the Respondent Nos.1,2 & 4 :** Assistant GP for Revenue  
**Counsel for the Respondent No.3:** Sri N Srihari, Standing Counsel

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order vide Roc.No.32/2023/A issued by the Respondent No. 1 dated 12-07-2023, duly directing the Respondents not to prevent the Petitioners from engaging their primary avocation, Pending disposal of WP No. 17382 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

**ORDER**

“Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioners has brought to the notice of this Court that prior to issuance of the impugned proceedings, the 3<sup>rd</sup> respondent-Gram Panchayat issued notice dated 15.03.2023, which contains certain directions and challenging the said notice, a writ petition is filed *vide* W.P.No.14868 of 2023 and the same was disposed of *vide* order dated 23.06.2023, wherein the petitioners were directed to submit their explanation and thereafter, the Gram Panchayat was given liberty to pass appropriate orders, in accordance with Law, after giving due opportunity of hearing to the petitioners.

To the petitioners' utter surprise, thereafter some notices were issued to them by the 1<sup>st</sup> respondent herein and the petitioners have not submitted any explanation as they are under the impression that the Gram Panchayat would have to initiate action in terms of the orders passed in W.P.No.14868 of 2023.

He submits that even though the Gram Panchayat has not passed any orders on the explanation submitted by the petitioners, the proceedings have been issued by the 1<sup>st</sup> respondent. He also submits that the 1<sup>st</sup> respondent herein is a party to the said writ petition and in those circumstances, the proceedings impugned in the present writ petition are not sustainable.

Let appropriate instructions be obtained with regard to the competency of the Tahsildar in issuing the notices and initiating proceedings in the matter, when an order has already been passed in W.P.No.14868 of 2023 as per which the Gram Panchayat was required to take action in the matter.

List this case after two (2) weeks in the 'Motion List'.

Pending further consideration, no coercive action pursuant to the impugned proceedings shall be resorted to, for a period of eight (8) weeks."

Sd/- B. CHITTI JOSEPH  
ASSISTANT REGISTRAR

//TRUE COPY//

For A

SECTION OFFICER

To,

1. The Tahsildar, Mogaithur Mandal, West Godavari District, Andhra Pradesh
2. The District Collector, West Godavari District, Andhra Pradesh
3. The Panchayath Secretaty, Mogaithur Gram Panchayath ,Mogaithur Mandal, West Godavari District, Andhra Pradesh
4. The Principal Secretary, Department of Revenue, State of Andhra Pradesh ,A.P. Secretariat, Velagapudi; Amaravati, Andhra Pradesh( 1 to 4 By RPAD)
5. One CC to Sri S R Sanku & Kaviti Murali Krishna ,Advocate [OPUC]
6. Two CCs to GP for Revenue,High Court Of Andhra Pradesh. [OUT]
7. One CC to Sri N Srihari, Standing Counsel [OPUC]
8. One spare copy

RVK

HIGH COURT

NJSJ

DATED:14/07/2023

LIST THIS CASE AFTER TWO (2) WEEKS IN THE 'MOTION LIST'.

ORDER

IA No. 1 OF 2023  
IN  
WP NO: 17382 OF 2023

DIRECTION

