

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

OA No 89 OF 2020

IN THE MATTER OF:

SRI SUNKARA SWAMY NAIDU WELFARE ORGANIZATION

..... Applicant

Vs

STATE OF ANDHRA PRADESH & OTHERS

.... Respondents

COMPLIANCE REPORT FILED BY THE COLLECTOR

DATE- 16.12.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

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Further Action taken report filed by the District Collector, Kakinada District, Kakinada before the Hon'ble National Green Tribunal (SZ), Chennai on the order dated 6.11.2023 in OA No.89/2020.

It is submitted that this application is filed by the applicant Sri SunkaraSwamy Naidu Welfare Organisation, Represented by its President SunkaraKarthik alleging illegal closure of Nalla in Sunkarapalem(V) of Tallarevu(M) of Kakinada District of Andhra Pradesh. According to the applicant the Nalla passes through Sunkarapalem village of Tallarevumandal of Kakinada District and also Yanam, Puducherry Union Territory.

Brief details of the case:

1. On a petition no. OA 89/2020 filed before the Hon'ble National Green Tribunal and pursuant to the orders of the Hon'ble National Green Tribunal, SZ, Chennai a detailed survey has been conducted to identify encroachments in the Nalla at Sy.Nos.123 & 125 of Sunkarapalem village of Tallarevumandal for finding encroachments
2. As submitted previously, the then Tahsildar, Tallarevu issued notices to all the encroachers u/s 7 of AP Land Encroachment Act, 1905 during March 2022 and taken up removal of encroachments. A total number of 130 coconut trees, several other temporary sheds and other thatched houses erected in the drain poramboke in R.S.No.125 of Sunkarapalem village of Tallarevumandal were removed by incurring an expenditure of Rs.1,47,000/-. The water Hyacinth (Weed) developed in the Nalla was also removed.
3. The Tahsildar, Tallarevu has submitted report stating that 22 RCC buildings with permanent residents exist on the bund. Hence, these structures to be removed duly identifying alternative land in sunkaramapalem village for providing house sites to these 22 RCC permanent residents.

Orders of the Hon'ble NGT in O.A No.89/2020 dated 06.11.2023:

At this stage the Hon'ble National Green Tribunal while disposing the OA 89/2020 issued certain directions "It is noted that the action initiated has started giving results and the estuarine ecosystem is coming back to life. The District Collector – Kakinada and the team certain would deserve appreciation if the remaining work also is expedited so that the estuarine ecosystem is fully restored".

Present Status and follow up action:

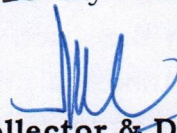
Pursuant to the orders of the Hon'ble NGT the Tahsildar, Tallarevu has submitted his report stating that total number of 22 RCC buildings with permanent residence are available and still to be removed. These are residential houses constructed by the BPL families to whom the possession certificates were issued by Revenue authorities and housing loans from the AP State Housing Corporation Limited. These individuals have represented that they have constructed houses 20 years back and residing with families and they have got

assessment from the Gram Panchayat and electrical connections and that they have taken possession certificates from the then Revenue authorities for the extents occupied by them by way of dwelling units. On the notices given for removal of encroachments, they requested to continue them and that they will suffer a lot to procure sites and construct houses if the present houses are demolished as they have constructed the same with housing loans.

Since all these RCC permanent resident encroachers will come under BPL category and provided with water taps, electrical connections and connectivity with CC roads, they will provide alternate house sites at Sunkarapalem Village of Tallarevu Mandal duly obtaining permission from the Government for acquisition of private land as no Government land is available in the Village.

In order to provide alternative sites to the 22 encroached RCC Permanent Residential structures, a private land has to be identified in the village and acquired soon after receipt of Guidelines from the Government. It is further submitted that necessary action will be initiated for removal of the said 22 encroachments duly providing alternative sites to them without causing inconvenience to them in due course of time. This is submitted for kind perusal.

Signed at Kakinada on this the 13th day of December, 2024.


Collector & District Magistrate
Kakinada District, Kakinada

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Ref/A/81/2020 Dt.13.12.2024

Tahsildar's Office, Tallarevu

From

Sri P. Trinadha Rao, BA.,
Tahsildar,
Tallarevu.

To

The District Collector,
Kakinada District,
Kakinada.**(Through the Revenue Divisional Officer, Kakinada)**

Sir,

Sub: Hon'ble National Green Tribunal - OA No.89 of 2020 (SZ) - Kakinada District - Tallarevu (M) -Sunkarapalem (V) - Application filed by Sri Sunkara Swamy Naidu, Welfare Organisation, Yanam alleging illegal closure of Nallah in Survey No.123, 125 in Sunkarapalem (V) of Tallarevu (M) - Orders issued by the Hon'ble National Green Tribunal, Southern Zone, Dated.3.8.2022- Implementation of Orders - Further report submitted - Reg.

- Ref
1. Orders of the Hon'ble National Green Tribunal, Southern Zone, Chennai in O.A No.89 of 2020 (SZ),Dt. 30.06.2020.
 2. This Office Ref. A/81/2020 DE: 07.11.2021
 3. Zoom conference held by the Hon'ble National Green Tribunal, Southern Zone, Chennai, dated: 18.08.2020
 4. This Office Ref: A/81/2020, dt: 25.08.2020
 5. Orders of the Hon'ble Green Tribunal, Southern Zone, Chennai, in OA. No.89/2020/SZ). dE: 06.07.2021.
 6. Ref.H/1002/2020, dt:19.7.2021 of the RDO., Kakinada.
 7. This Office Ref A/81/2020 Dt. 24.07.2021
 8. This Office Ref A/81/2020 Dt. 22.10 2021
 9. This Office Ref A/81/2020 Dt. 07.11.2021
 10. Ref.H/1002/2020, dt:6.12.2021 of the RDO., Kakinada.
 11. This Office Ref A/81/2020 Dt. 13.12.2021
 12. This Office Ref A/81/2020 Dt. 24.04.2022
 13. Roc No. PS/2022, dated: 09.05.2022 of the Panchayath Secretary, Sunkarapalem.
 14. Ref. H/1002/2020, dt: 16.05.2022 of the RDO, Kakinada
 15. Lr. No: DB/A.T.O/File, 12 Rev, dt:18.5.2022 of EE., Water Resource Dept., Drainage Division, Kakinada
 16. Orders of the Hon'ble Green Tribunal, Southern Zone, Chennai, in OA. No.89/2020 (SZ) dt: 27.05.2022.Sr.
 17. File No. H/1002/2020, dt:6.6.2022 of the RDO., Kakinada.
 18. This Office Ref: A/81/2020 Dt. 14.06.2022
 19. Orders of the Hon'ble Green Tribunal, Southern Zone, Chennai, in OA. No.89/2020 (SZ) dt:3.8.2022 (received on 05.09.2022 through what's app & Telegram).
 20. Report of Revenue Inspector Dt.05.09.2022.
 21. This Office Ref/A/81/2020 Dt.06.09.2022.
 22. Instructions of Collector's Office, Kakinada dt.8.8.2024.
 23. This Office Ref/A/81/2020 Dt.08.08.2024
 24. Ref.Land 1/132/2022, dt.12.12.2024 of the District Collector, Kakinada District, Kakinada.

I invite kind attention to the above references cited. I submit that in the reference 1st cited, Sri Sunkara Swamy Naidu, Welfare Organisation, Yanam has filed OA No.89 of 2020 (SZ) before the Hon'ble National Green Tribunal, Southern Zone, Chennai alleging illegal closure of Nallah at Sunkarapalem Village, Tallarevu Mandal.

Wherein the reference 5th cited, the Hon'ble National Green Tribunal issued orders dated:06.07.2021 as follows:

"The State of Andhra Pradesh as well as the Union Territory of Puducherry are directed to submit their action plan with short term and long term measures and compliance report of removal of the garbage in the Nallah and strengthening of its bunds within existing available width before the next hearing date and also directed to submit the action plan and compliance report to this Tribunal on or before 05.03.2021."

Wherein the reference 6th cited, the Revenue Divisional Officer, Kakinada has issued instructions for implementation of orders of the Hon'ble National Green Tribunal and to restore the Nallah at Sunkarapalem Village of Tallarevu Mandal to its original position and remove the encroachments in coordination with Irrigation Department.

Wherein the reference 9th cited, submitted the interim report stating that steps have been taken up for removal of Horse shoe / weed which is obstructing the irrigation sewer with the aid of machinery such as JCB's and also engaged Boats and Labour for removal of Horseshoe and other obstructions. Further submitted that this task was very hectic as the Horseshoe is re-emerging; very quickly and submit that the entire Horseshoe which is clogging the Drain. Now was removed several times resulting in uninterrupted flow of drainage and met an expenditure of an amount of an Rs.1,24,800/- by the Tahsildar, Tallarevu and the bills are presented to the Revenue Divisional Officer, Kakinada to reimburse the same.

Further it is submitted that, the Mandal Surveyor, Tallarevu reported that as per the orders of the Hon'ble National Green Tribunal, Chennai a detailed survey has been conducted over the Sy.No.123 and 125 of Sunkarapalem Village of Tallarevu Mandal for finding encroachments around the Nallah in the said survey number and noticed 11 encroachers in R.S No:125 and 22 encroachments in R.S No: 123 have been identified and issued notices as per the Land Encroachment Act, 1905. Among the encroachers one Smt Guthula Mangadevi w/o Veera Venkata Satyanarayana approached Hon'ble High court of Andhra Pradesh and filed W.P No:14216/2022 dt:04.05.2022 for not to evict.

A detailed report has been submitted to the Revenue Divisional Officer, Kakinada in the ref. 12th cited, stating that there are 130 number of coconut trees and several other temporary and permanent sheds erected in the said Nallah Poramboke have to be evicted and by duly entrusting the said eviction work to Gram Panchayath, Sunkarapalem as per G.O.M.S No. 188, Panchayath Raj and Rural Development dt: 21.07.2011 and also requested the Executive Engineer, Drainage division, Kakinada to extend necessary support by providing required machinery and labour for removal of Encroachments in the said Drain Poramboke. But, the Executive Engineer, Drainage division, Kakinada in the ref.15th cited, stated that the drainage at Sunkarapalem does not comes under purview of Drainage and Irrigation Dept.

Further the Revenue Divisional Officer, Kakinada has directed to answer several points and also directed to complete the eviction of encroachments standing in the water course which are obstructing the water flow and to remove the Horse shoe which is causing clogging of drain flow.

In pursuance of the above directions of the Revenue Divisional Officer, Kakinada steps have been taken for removal of Horse shoe and engaging boats and labour. Also removed 120 number of coconut trees standing in the drain course, also the sheds and other thatched houses erected in the drain Poramboke in R.S No.125 of Sunkarapalem village and met with an expenditure for an amount of Rs.1,47,000/-. Further it is submitted that there are certain permanent houses have been constructed in R.S. No.123 of Sunkarapalem village and people belongs to BPL category are residing for more than 30 years in the said Poramboke. These encroachments are covered on either sides of the Nallah in R.S No.123 of Snkarapalem Village. It is not possible to engage suitable machinery and contractors for execution of eviction of the encroachments alone.

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It is further submitted that, in the reference 18th cited, a detailed report have been submitted stating that as per the directions of the National Green Tribunal in OA No. 89 of 2020 for eviction of all the entire encroachments including the concrete structures standing in the drain Pormaboke and requested the District Administration kindly entrust the said work to concerned Engineering Department for preparation of detailed estimations, so as to meet the expenditure by the concerned departments. Since the drainage poramboke is vested with Grama Panchayath, Sunkarapalem. Therefore the Panchayat Administration have to supervise the entire process of work hence the District Panchayat Officer, Kakinada may be directed to monitor the work closely until the completion of the work. Therefore a District level meeting may be convened with the District Officers of the following departments.

1. Superintending Engineer, Irrigation Circle, Dowlaiswaram.
2. Executive Engineer, Drainage Division, Kakinada.
3. District Panchayat Officer, Kakinada.

Further it submitted that, the District Collector has issued orders Vide ref: L1/NGT/01/2020, dt.05.07.2022 to the Executive Engineer, Drainage Division, Kakinada to remove the weed manually as per the rules in force before 13.07.2022 and report compliance and also directed the District Panchayat Officer, Kakinada to take necessary action with regard to removal of encroachments in consideration with Tahsildar, Tallarevu and see that encroachments are removed immediately and to submit report by 13.07.2022.

Further the Revenue Divisional Officer, Kakinada has also issued orders vide Ref: H/1002/2020, 06.07.2022 consideration of estimated proposals submitted by the Executive Engineer, Drains, Kakinada sanction has been accorded for an amount of Rs.97,000/- towards the purpose of clearing of water hyacinth from Sunkarapalem Drain in Tallarevu Mandal and the EE, Drains was requested to execute the work within 07 days (ie., 13.07.2022). Hence, the action taken report for eviction of horse shoe/weed removal may be obtained from the Executive Engineer, Drainage Division, Kakinada as the District Collector and the Revenue Divisional Officer, Kakinada are entrusted the work to him. The entire weed removed by the Panchayat Secretary, Gram Panchayat, Sunkarapalem from 12.07.2022 to 17.07.2022 in coordination with the Revenue Officials. The proposals has been submitted to the Revenue Divisional Officer, Kakinada for sanction of funds to the GP, Sunkarapalem for the above said work.

Further, submitted that in WP No 14216 of 2022 filed by Smt. Guthula Mangadevi before the Hon'ble High Court of Andhra Pradesh, the Hon'ble Court has issued orders on 13.06.2022 are as follows:

"Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The learned counsel for the petitioner stated that to the notice, dated 23.02.2022, the petitioner has given a reply on 16.04.2022. He submits that even though the reply was given after a stipulated period, the respondents have received the same but no final orders are passed. He submits that due to the legal illiteracy etc., of the petitioner, she could not submit the explanation within the stipulated time and prays for an order to the respondents to consider the same.

The learned Government Pleader does not really oppose the submissions made by learned counsel for the petitioner. Since, a reply dated 16.04.2022 is given to the show-cause notice, and directed the 3rd respondent (ie., Tahsildar), **the petitioner should not be evicted forcefully from the premises.** There shall be no order as to costs. As a sequel, the miscellaneous petitions, pending if any, shall stand closed.

Further submitted that, in the reference 19th cited the Hon'ble National Green Tribunal issued orders dated:03.08.2022 as follows:


1. Though encroachments were found, removal of encroachments were not completed and in some cases, it was mentioned by the learned counsel appearing for the State of Andhra Pradesh that Pattas have been granted earlier and they will have to be rehabilitated, for which, action is being taken by the State of Andhra Pradesh.
2. The applicant also filed a memo stating that reports filed by respondents is only an eyewash of taking some steps and in fact, no effective steps have been taken for removal of encroachments and he had also produced certain photographs to prove this aspect.
3. Both the State of Andhra Pradesh and Union Territory of Puducherry is directed to consider the objection along with the photographs produced by the applicant and incorporate the genuineness or action (if any) taken in respect of the same when they are filing the reports.
4. We feel it is better to give one more opportunity to the State of Andhra Pradesh and Union Territory of Pondicherry to file further action taken reports mentioning about the steps taken by them for removal of encroachment and if any rehabilitation process is under Process, what is its stage and what are all the steps taken by them for rejuvenating the water body by removing water hyacinth and other weeds.
5. They are directed to file the report to this Tribunal on or before 12.09.2022 along with necessary hardcopies to be produced as per Rules, failing which, this Tribunal will be compelled to dispose of the matter on the basis of the materials available on record by giving appropriate directions.
6. For consideration of further reports and hearing, post on 12.9.2022.

In this connection, it is submitted that, as per the orders of the Hon'ble National Green Tribunal the entire Horse shoe in drain Poramboke in R.S. No. 123 of Sunkarapalem Village has been removed by the Gram Panchayat, Sunkarapalem in coordination of Revenue Officials (photographs are enclosed) and also removed 120 number of coconut trees standing in the drain course, also the sheds and other thatched houses erected in the drain Poramboke in R.S No.125 of Sunkarapalem village of Tallarevu Mandal. Further it is submitted that there are certain permanent houses have been constructed in R.S. No.123 of Sunkarapalem village and people belongs to BPL category are residing for more than 30 years in the said Poramboke. These encroachments are covered on either sides of the Drain Poramboke in R.S No.123 of Sunkarapalem Village.

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As per the orders of the Hon'ble High Court of Andhra Pradesh in WP No. 14216 of 2022, the petitioner should not be evicted forcefully from the premises. Hence, the encroachers with permanent houses / concrete structures cannot be evicted immediately as the people belong to BPL categories are residing for more than 20 years in the said drain Poramboke. Alternate House sites may be provided to them. But, there is no suitable Government land is available in Sunkarapalem Village for providing House Site Pattas to the said encroachers. Private land may be acquired for providing House Sites. It is very long and lengthy process and action is being taken for identifying suitable private land fit for House Sites and proposals may be submitted to the Government for sanction of funds for Land Acquisition and the encroachers may be evicted from the drain Poramboke after giving rehabilitation (House sites) to the 22 RCC Permanent residents. This is submitted for kind perusal and taking further action in the matter.

Yours Faithfully,


Tahsildar,
Tallarevu.



Copy submitted to the District Collector, Kakinada for favour of information.