

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

ORIGINAL APPLICATION NO. 92 OF 2020

(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

.....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

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

.....RESPONDENTS

THE HUMBLE MEMO OF THE APPLICANT ABOVENAMED

For the reasons stated in this memo, the Hon'ble Tribunal
may be pleased to observe the facts:

- (i) There was **direction, dated: 14.07.2022** by this
NGT in OA 92 of 2020 to the Respondent No. 2 to
identify and restore the inlet and outlet of the
Kakarla Pond after removing the encroachment
thereupon and to restore the tank. However, **on**
01.12.2022
- (ii) This Hon'ble NGT once again directed the
Respondent No. 2 to clear the encroachments,
restore the inlets and outlets to the water tank
and file a report along with the revenue records



FOR GAREEB GUIDE
G. Bhagwat
President

relating to the same viz D-Sketch and also Photographs. But, there is no action by the Respondent No.2 till date.

(iii) More particularly, the Respondent No. 2 has been allowing the illegal cultivation since August' 2024 in the said Kakarla Pond, by ignoring the order, dated: 14.07.2022 and 01.12.2022 of this Hon'ble NGT **(Photographs, dated: 24.08.2024 enclosed).**

(iv) A notice, dated: 09.10.2024 has been issued to the Respondent No. 1 & 2 **(Copy of acknowledgment, dated: 08.10.2024 enclosed).**

But, there is no action by the Respondent No. 2 till date. Hence, this Memo.



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For GAREEB GUIDE

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President

APPLICANT



M/s Dr. DVRao Advocates

(An ISO 9001:2008 Certified)

Delhi - Hyderabad - Chennai - Amaravathi

From:

Dr. D.V.Rao, Advocate, Supreme Court of India
Office: 49-B, III Floor, Adchini, New Delhi-16.
Residence: 7/41, Bahar, Sahara States, Mansoorabad,
Hyderabad-68. Ph: 8688122222
E-Mail: drdvraolawyer@gmail.com

To

1. **Shri Neerabh Kumar Prasad, IAS,**
Chief Secretary, Andhra Pradesh
2. **Shri Swapnil Dinkar Pundkar, IAS,**
The Collector & District Magistrate,
Srikakulam District, Srikakulam
3. **Shri G. Lakshminarayana,**
Tahasildar, Jalumuru (M), Srikakulam (D)

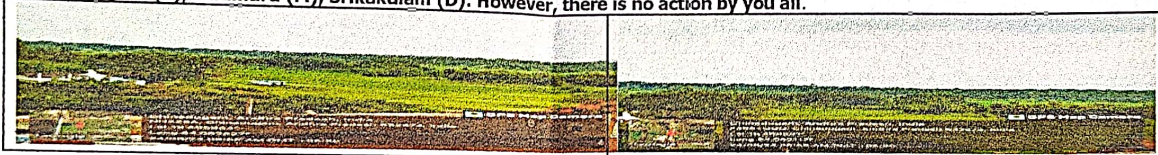
Dated: 09.10.2024

Sub: Notice before Contempt - Reg (THROUGH ELECTRONIC MODE)

I act for and under instructions of my client M/s Gareeb Guide (NGO) (my client for brevity) and issue this notice to you as hereunder: That my client states that,

i. As per the report vide RC No. 197/2020, dated: 07.05.2020 of Tahasildar and I-B record, the land admeasuring Ac. 12.75 in Sy. No 59 & Ac. 22.49 in Sy. No. 48 (Old Sy No. 148/1) of Chinnadugam (V), Jalumuru (M), Srikakulam (D) is classified as "Karala Tank / water body". Because the said Kakarla Tank was grabbed by many persons, my client i.e M/s Gareeb Guide (NGO) filed OA 92 of 2020 filed before the Hon'ble NGT on 25.06.2020 and the same is pending before the Hon'ble NGT. There was **direction, dated: 14.07.2022** by the Hon'ble NGT to the Chief Secretary of Andhra Pradesh and the District Collector, Srikakulam District to identify and restore the inlet and outlet of the Kakarla Pond after removing the encroachment thereupon and to restore the said tank. 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. The order, dated: 25.11.2019 in **Civil Appeal No. 5109 of 2019** passed by the Apex court is as: "For the reasons stated above, we allow the appeal and set aside the impugned order passed by the NGT, The allotment of all water bodies (both ponds and canals), including Khasra Nos 552 and 490 to Respondent No. 6, or any other similar third party in village Saini, Tehsil Dadari, District Gautham Budh Nagar is held to be illegal and the same is hereby quashed. Since the court has on 15.07.2019 already directed the parties to maintain status quo, Respondent 1 to 5 shall restore, maintain and protect the subject water bodies in village Saini. Respondents are further directed to remove all obstructions from the catchment area through which natural water accumulates in the village ponds, all within a period of three months".

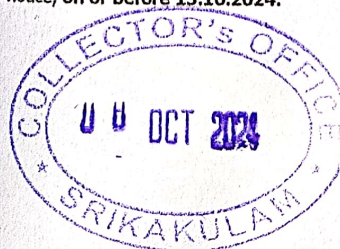
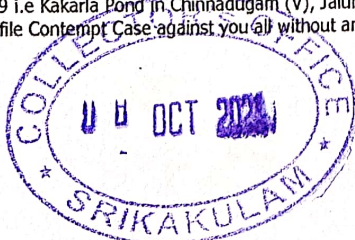
ii. As per the **common order, dated: 14.09.2022 of the Hon'ble High Court of AP in WP(PIL) 140 of 2022:** i) "The executive authority, i.e., Panchayat Secretary, of the respective Gram Panchayats in the State shall identify the Gram Panchayat lands, which are unauthorizedly occupied/encroached, and take steps for removal of such encroachments by issuing notice and providing opportunity of hearing to the unauthorized occupants/encroachers in terms of the procedure prescribed in Rules of 2011. This complete exercise shall be done within a period of six months from 14.09.2022. ii) So far as the encroachments over the lands concerning the Municipalities/Forest Department/Revenue Department are concerned, even if no separate Rules have been framed prescribing the procedure to be followed in the matter of removal of encroachments over those lands, 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 14.09.2022. **But, violating all the above laws and orders, some persons are making illegal constructions and illegal cultivation in Sy No. 48 & Sy No. 59 i.e Kakarla Pond in Chinnadugam (V), Jalumuru (M), Srikakulam (D). However, there is no action by you all.**



iii. The same was brought it to you all on **24.08.2024** through a legal notice. After the said notice, the concerned Tahsildar issued notices under sec 6 & 7 of the AP Land Encroachment ACT, 1905 without following the due process of law. In fact, in view of the direction of NGT in OA 92 of 2020 to the Collector, Srikakulam District, **these notices are not required. The then Tahsildars in 2021 & 2022 removed such encroachments in the same Kakarla Pond based on the direction of the then collector, Srikakulam District, without issuing any notices under sec 6 & 7 of the AP Land Encroachment ACT, 1905.** However, the Hon'ble High Court of AP in **WP 21616 of 2024**, granted liberty to issue fresh proceedings (if needed) by following due process of law and also clarified that as so far as other proceedings before the NGT, Chennai and its outcomes are concerned, the Hon'ble court has not expressed any opinion.



Now, therefore I call upon you through this notice to forthwith to take immediate action against the illegal constructions and illegal cultivation in Sy No. 48 & Sy No. 59 i.e Kakarla Pond in Chinnadugam (V), Jalumuru (M), Srikakulam (D), under intimation to my client, failure the above, my client will be constrained to file Contempt Case against you all without any further notice, **on or before 15.10.2024.**



Sincerely

(Dr DVRao)

For GAREEB GUIDE
G. Bhagiri
President

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