

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

OA No 99 OF 2023

IN THE MATTER OF:

Dr. M. SAKAR RAO

..... Applicant

Vs

THE CHIEF SECRETARY, GOVT OF ANDHRA PRADESH & OTHERS

.... Respondents

REPORT FILED BY THE COLLECTOR 5th RESPONDENT

DATE- 29.08.2024



**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.

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN
ZONE BENCH AT CHENNAI IN CONNECTION WITH

Original Application No. 99/2023 (SZ)

[Earlier O.A. No. 311 of 2023(PB)(LP)]

INDEX

SI. No.	Description of the Document	Page No.
1.	Report on the Hon'ble NGT Order dated 29.04.2024.	1 - 2
2.	Annexure-I - The Hon'ble NGT order dated 29.04.2024.	3-5
3.	Annexure-II - Report dated 10.07.2024	6-14
4.	Annexure-III - The Hon'ble NGT order dated 11.07.2024.	15-16
5.	Annexure-IV - GVMC Report dated 20.08.2024.	17-20

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

Place: Visakhapatnam
Dt: 28.08.2024

Collector & District Magistrate
Visakhapatnam

Report in compliance with the Hon'ble NGT, Southern Zone, Chennai vide Order dated 29.04.2024 in Original Application No. 99/2023 (SZ) [Earlier O.A. No. 311 of 2023(PB)(LP)] filed by Dr. M. Sankar Rao, R/o Bheemili, Visakhapatnam, Andhra Pradesh.

It is to submit that Dr. M. Sankar Rao, R/o AMOH-1/(Health Officer-1), Bheemili, Visakhapatnam, Andhra Pradesh has filed a grievance before the Hon'ble National Green Tribunal (NGT), New Delhi in the Original Application (O.A) No. 311 of 2023 (PB) regarding construction raised in prohibited area i.e., CRZ area of Bheemili, Visakhapatnam, Andhra Pradesh, causing environmental degradation thereby violation of provisions of Environment (Protection) Act, 1986 and the Rules framed thereunder.

The Hon'ble NGT, Chennai in its order dated 29.04.2024 in Original Application No. 99/2023 (SZ) [Earlier O.A. No. 311 of 2023(PB)(LP)], stated that "4. Let the District Collector – Visakhapatnam District file a report as to the action taken against the violators who had commenced the construction without obtaining appropriate approvals and clearance."

Copy of the Hon'ble NGT, New Delhi Order dated 29.04.2024 is submitted as **Annexure-I**.

In this regard, it is to submit that the 2nd DLC meeting was conducted on 10.07.2024 and the committee directed the Greater Visakhapatnam Municipal Corporation(GVMC), Visakhapatnam to submit action taken report on construction of buildings in CRZ area, Bheemili, Visakhapatnam, Andhra Pradesh.

The GVMC, Visakhapatnam has submitted preliminary action taken report against buildings under CRZ at Bhemilli Zone and requested to accord four (04) weeks time to submit action taken report in full shape. Accordingly, a report was filed before the Hon'ble NGT on 10.07.2024 to

accord four (04) weeks time to submit action taken report. Copy of the report dated 10.07.2024 is submitted as **Annexure-II**.

The Hon'ble NGT, Chennai in its order dated 11.07.2024 in Original Application No. 99/2023 (SZ) [Earlier O.A. No. 311 of 2023(PB)(LP)], stated that "3. Let a final report be filed by the District Collector - Visakhapatnam District before the date of next hearing. 4. Post the matter on 30.08.2024." Copy of the Hon'ble NGT, New Delhi Order dated 11.07.2024 is submitted as **Annexure-III**.

The Collector & District Magistrate, Visakhapatnam District has directed to submit action taken report on the buildings falling within CRZ which are mentioned in GVMC report dated 10.07.2024 so as to submit the same to the Hon'ble NGT, Chennai. The GVMC, Visakhapatnam has submitted a report against buildings under CRZ at Bhemilli Zone on 20.08.2024. As report by the GVMC, it is observed that five buildings not require CRZ clearance as these buildings established prior to CRZ notification 1991, three building owners who have established after 1991 Viz., [i) Samudram Guest House, P.V.L.N Narasimha Raju, Bhemili Beach Road, ii) Narra Sitha Maha Lakshmi, Bhemili Court Building, Bhemili Beach Road, iii) Dantaluri Janaki Rama Raju, Near Bhemili Municipal Office] have requested time to submit the NOC and the one building owner (Kancharla Ravindranadh S/o. Seshaya Naidu near Court Building Beach Road, Bhemunipatnam) has filed a case before the Hon'ble High Court vide CC No.669 of 2019 which is pending. Copy of the GVMC report dated 20.08.2024 is submitted as **Annexure-IV**.

Submitted.

Place: Visakhapatnam
Dt: 28.08.2024


Collector & District Magistrate,
Visakhapatnam

ANNEXURE-I

Item No.9:-**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No. 99 of 2023 (SZ)

[Earlier O.A. No.311 of 2023 (PB)]

IN THE MATTER OF

Dr. M. Sankar Rao.

...Applicant(s)

*With*The Chief Secretary to Govt. of Andhra Pradesh
Andhra Pradesh and Ors.

...Respondent(s)

Date of hearing: 29.04.2024.**CORAM:****HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER****HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant(s): None.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 to R4.

ORDER

1. Today, there is no representation for the applicant.

2. The report dated 25.04.2024 of the Andhra Pradesh Pollution Control Board (APPCB) is filed along with the annexure. One of the annexures is the letter dated 20.04.2024 from the District Collector of Visakhapatnam District to the Municipal Commissioner, Greater Visakhapatnam Municipal Corporation. The letter specifically mentions that in most of the cases, the proponents had commenced the construction in the CRZ area without obtaining CRZ clearance. The District Level Committee, which was constituted on 05.05.2023 by the District Collector, recommended to address a letter to all the line departments with a direction to ensure that all the projects in the CRZ area shall obtain prior approvals from Andhra Pradesh Coastal Zone Management Authority (APCZMA).

3. To be noted is that the District Collector is the Chairman of district-level CZMA and having found that many of the proponents have constructed in violation of the CRZ Regulations, independent of the committee constituted, ought to have taken immediate action. The act of the District Collector appears to be shirking his/her responsibility, as a district level Chairman of the CZMA.

4. Let the District Collector – Visakhapatnam District file a report as to the action taken against the violators who had commenced the construction without obtaining appropriate approvals and clearance.
5. For filing the report, post the report on 11.07.2024.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

**O.A. No.99/2023(SZ)
29th April, 2024. Mn.**



ANNEXURE-II

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

Original Application No. 99/2023 (SZ)

[Earlier O.A. No. 311 of 2023(PB)(LP)]

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Sl. No.	Description of the Document	Page No.
1.	Report on the Hon'ble NGT Order dated 29.04.2024.	1 - 2
2.	Annexure-I - The Hon'ble NGT order dated 29.04.2024.	3-5
3.	Annexure-II - Copy of the report submitted GVMC, Visakhapatnam	6-8

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

**Place: Visakhapatnam
Dt: 10.07.2024**

**Collector & District Magistrate,
Visakhapatnam**
[Signature] 10/7/2024

Report in compliance with the Hon'ble NGT, Southern Zone, Chennai vide Order dated 29.04.2024 in Original Application No. 99/2023 (SZ) [Earlier O.A. No. 311 of 2023(PB)(LP)] filed by Dr. M. Sankar Rao, R/o Bheemili, Visakhapatnam, Andhra Pradesh.

It is to submit that Dr. M. Sankar Rao, R/o AMOH-1/(Health Officer-1), Bheemili, Visakhapatnam, Andhra Pradesh has filed a grievance before the Hon'ble National Green Tribunal (NGT), New Delhi in the Original Application (O.A) No. 311 of 2023 (PB) regarding construction raised in prohibited area i.e., CRZ area of Bheemili, Visakhapatnam, Andhra Pradesh, causing environmental degradation thereby violation of provisions of Environment (Protection) Act, 1986 and the Rules framed thereunder.

The Hon'ble NGT, Chennai in its order dated 29.04.2024 in Original Application No. 99/2023 (SZ) [Earlier O.A. No. 311 of 2023(PB)(LP)], stated that "4. Let the District Collector - Visakhapatnam District file a report as to the action taken against the violators who had commenced the construction without obtaining appropriate approvals and clearance."

Copy of the Hon'ble NGT, New Delhi Order dated 29.04.2024 is submitted as **Annexure-I**.

In this regard, it is to submit that the 2nd DLC meeting was conducted on 10.07.2024 and the committee directed the Greater Visakhapatnam Municipal Corporation(GVMC), Visakhapatnam to submit action taken report on construction of buildings in CRZ area, Bheemili, Visakhapatnam, Andhra Pradesh.

The GVMC, Visakhapatnam has submitted preliminary action taken report against buildings under CRZ at Bhemilli Zone and requested to accord four (04) weeks time to submit action taken report in full shape.

Copy of report submitted by the GVMC, Visakhapatnam is herewith enclosed.

In view of the above, it is requested to accord four (04) weeks time to submit action taken report as I have taken charge as Collector & District Magistrate on 03rd of July 2024 and as Commissioner, GVMC on 10th July 2024.

Submitted.

Place: Visakhapatnam
Dt: 10.07.2024


Collector & District Magistrate,
10/07/2024
Visakhapatnam

Item No.9:-

Annexure-I

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No. 99 of 2023 (SZ)

[Earlier O.A. No.311 of 2023 (PB)]

IN THE MATTER OF

Dr. M. Sankar Rao.

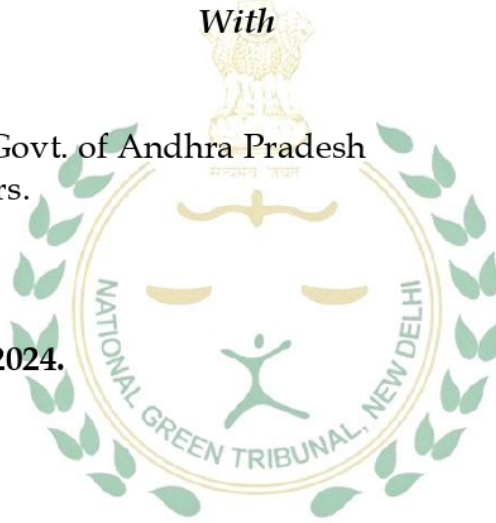
...Applicant(s)

With

The Chief Secretary to Govt. of Andhra Pradesh
Andhra Pradesh and Ors.

...Respondent(s)

Date of hearing: 29.04.2024.



CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 to R4.

ORDER

1. Today, there is no representation for the applicant.

2. The report dated 25.04.2024 of the Andhra Pradesh Pollution Control Board (APPCB) is filed along with the annexure. One of the annexures is the letter dated 20.04.2024 from the District Collector of Visakhapatnam District to the Municipal Commissioner, Greater Visakhapatnam Municipal Corporation. The letter specifically mentions that in most of the cases, the proponents had commenced the construction in the CRZ area without obtaining CRZ clearance. The District Level Committee, which was constituted on 05.05.2023 by the District Collector, recommended to address a letter to all the line departments with a direction to ensure that all the projects in the CRZ area shall obtain prior approvals from Andhra Pradesh Coastal Zone Management Authority (APCZMA).

3. To be noted is that the District Collector is the Chairman of district-level CZMA and having found that many of the proponents have constructed in violation of the CRZ Regulations, independent of the committee constituted, ought to have taken immediate action. The act of the District Collector appears to be shirking his/her responsibility, as a district level Chairman of the CZMA.

4. Let the District Collector – Visakhapatnam District file a report as to the action taken against the violators who had commenced the construction without obtaining appropriate approvals and clearance.
5. For filing the report, post the report on 11.07.2024.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.99/2023(SZ)
29th April, 2024. Mn.



Annexure-II

GREATER VISAKHAPATNAM MUNICIPAL CORPORATION

From
The Commissioner,
Greater Visakhapatnam
Municipal Corporation,
Visakhapatnam.

To
The Collector &
District Magistrate and
Chairman, District Level
Committee, APPCB,
Visakhapatnam.

Re.No.571/2023/TP sec/G1, dt. 10.07.2024

Sir,

Sub : GVMC – Town planning - Bheemili zone – Submission of the Action taken report against of the buildings under CRZ at Bhemilli Zone – case filed by M.Shankar Rao - Reg.

Ref : 1) Hon'ble NGT order dt.30.10.2023 in O.A.No.99/2023 (SZ) Earlier OA.No.311 of 2023(PB) (LP) filed by M.Shankar Rao,
2) Hon'ble NGT order dt.07.03.2024 in O.A.No.99/2023 (SZ) Earlier OA.No.311 of 2023(PB) (LP) filed by M.Shankar Rao,
3) Hon'ble NGT order dt.29.04.2024 in Original Application No. 99 of 2023 (SZ) [Earlier O.A. No.311 of 2023 (PB)]

Kind attention is invited to the reference 1st cited, wherein the Hon'ble NGT has directed the APPCB, Visakhapatnam and State Government to furnish the addresses of violators not only of the application mentioned building but also of the other owners who have constructed in the CRZ area without appropriate permission.

In the 2nd cited, the Hon'ble NGT has directed the APPCB, Visakhapatnam to submit action taken report against violators.

In the 3rd cited, the Hon'ble NGT has issued a directions that "Let the District Collector – Visakhapatnam District file a report as to the action taken against the violators who had commenced the construction without obtaining appropriate approvals and clearance. For filing the report, post the report on 11.07.2024."

In this connection, the following preliminary action taken report on buildings which are covered in complaint filed by M.Shankar Rao, Bheemili zone, GVMC.


Sl. No	Name and Address of the Building	Latitude	Longitude	Extent in Sq.m	Year of Construction of the building	Nature of Construction	Action taken status on subject buildings
1	Samudram Guest house, Bheemili Beach road	17.89227	83.45464	1150	2011	RCC G+1	Approved vide Proceeding No. BPS.No625/Ward-16,Dt.25.02.2011.
2	Kancharla Ravindranadh S/o	17.89240	83.45435	2290	2015	S+G+1	i) Applicant applied under BPS vide file No.BPS2019/VIS/B

Sl. No	Name and Address of the Building	Latitude	Longitude	Extent in Sq.m	Year of Construction of the building	Nature of Construction	Action taken status on subject buildings
	Seshaya Naidu near Court building Beach road, Bheemunipatnam						HE /BHE/ 36159 Dt.27.06.2019 further application is rejected due to violation of CRZ Norms and other reasons. ii) Aggrieving with the endorsement issued by the Commissioner, the appellant has filed an appeal before the Appellate Authority cum Municipal Commissioner against the Endorsement issued by GVMC.
3	Narra Sitha mahalakshmi	17.89243	83.45397	143	1994	G+2	i) Approved Vide BA.No74/94 Dt.18.07.1994. ii) The building was constructed before issuance of CRZ 2011 notification dt.06.01.2011.
4	Municipal office Store Room	17.89294	83.45431	84	1999	G	i) The store room was constructed by the Municipal authorities in addition to the old existing Municipal office. ii) Building was constructed before issuance of CRZ 2011 notification dt.06.01.2011.
5	Municipal office old	17.89312	83.45394	503	1861	G floor Tiled roof extension with RCC building	i) Building was constructed before issuance of CRZ 2011 notification dt.06.01.2011. ii) The building is 163 years old construction which is under dilapidated condition.
6	Municipal Office new	17.89318	83.4538	193	2011	RCC G+2	i) Building was constructed before issuance of CRZ 2011 notification dt.06.01.2011.
7	Port office	17.89329	83.45349	175	1950	M terrace G+1 Building in Dilapidated stage	i) Building was constructed before issuance of CRZ 2011 notification dt.06.01.2011. ii) The building is 74 years old construction which is under dilapidated condition.

Sl. No	Name and Address of the Building	Latitude	Longitude	Extent in Sq.m	Year of Construction of the building	Nature of Construction	Action taken status on subject buildings
8	Central excise and Customs office	17.89311	83.45355	377	1950	Tiled roof	i) Building was constructed before issuance of CRZ 2011 notification dt.06.01.2011. ii) The building is 74 years old construction which is under dilapidated condition.
9	Dantaluri Janaki Rama Raju	17.89335	83.45325	331	1994	RCC G+1	Approved Vide BA.No79/94 Dt:27-10-1994

The above preliminary action taken report is herewith submitted for kind perusal and onward submission to the Hon'ble NGT. Further, the kind authorities are requested to direct the Environmental Engineer APPCB, Visakhapatnam to obtain four (04) weeks time from the Hon'ble NGT in order to submit action taken report in full shape.

Yours faithfully,


COMMISSIONER
GVMC
10/7

Copy submitted to the Environmental Engineer, APPCB, Visakhapatnam for favour of information and necessary action.

Item No.11:-

ANNEXURE-III

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No. 99 of 2023 (SZ)
[Earlier O.A. No. 311 of 2023(PB)(LP)]

IN THE MATTER OF:

Dr. M. Sakar Rao.

...Applicant(s)

Versus

The Chief Secretary to Govt. of Andhra Pradesh,
Andhra Pradesh and Ors.

...Respondent(s)

Date of hearing: 11.07.2024.



CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): None.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 to R4.

ORDER

1. Today, there is no representation for the applicant.
2. The interim report of the District Collector - Visakhapatnam District is received through e-mail, wherein it is stated that actions have been initiated against the buildings in the CRZ area, Bheemili Zone, Visakhapatnam, Andhra Pradesh.
3. Let a final report be filed by the District Collector - Visakhapatnam District before the date of next hearing.
4. Post the matter on **30.08.2024**.



Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No. 99/2023 (SZ)
11th July, 2024. AD.

GREATER VISAKHAPATNAM MUNICIPAL CORPORATION

From
The Commissioner,
Greater Visakhapatnam
Municipal Corporation,
Visakhapatnam.

To
The Collector & District Magistrate
and Chairman, District Level
Committee APPCB,
Visakhapatnam.

Re.No.571/2023/TP sec/G1: Eoffice No.387532 Dt.20.08.2024

Sir,

Sub: GVMC-Town planning - Bheemili zone - Action taken against the buildings under CRZ at Bhemilli Zone -OA.No 311/2023 filed in Hon'ble NGT by M. ShankarRao-Final Action takenreport-Submission -Reg.

- Ref: 1) Hon'ble NGT order dt.30.10.2023 in O.A.No.99/2023 (SZ) Earlier OA.No.311 of 2023(PB) (LP) filed by M.Shankar Rao,
2) Hon'ble NGT order dt.07.03.2024 in O.A.No.99/2023 (SZ) Earlier OA.No.311 of 2023(PB) (LP) filed by M.Shankar Rao,
3) Hon'ble NGT order dt.29.04.2024 in Original Application No. 99 of 2023 (SZ) [Earlier O.A. No.311 of 2023 (PB)]
4) Preliminary Action Taken Report submitted to the District Collector Dt.10-07-2024
5) Hon'ble NGT order dt.11.07.2024 in O.A.No.99/2023 (SZ) Earlier OA.No.311 of 2023(PB) (LP) filed by M.Shankar Rao
6) Letter vide Rc.No 2024/APCZMA/DLC Dt 20.07.2024 of District Collector

It is to submit that in the reference 1st cited, the Hon'ble NGT has directed the APPCB, Visakhapatnam and State Government to furnish the address of violators not only of the application mentioned building but also of the other owners who have constructed in the CRZ area without appropriate permission.

In the reference 2nd cited, the Hon'ble NGT has directed the APPCB, Visakhapatnam to submit action taken report against violators.

In the reference 3rd cited, the Hon'ble NGT has issued a direction that "Let the District Collector- Visakhapatnam District file a report as to the action taken against the violators who had commenced the construction without obtaining appropriate approvals and clearance. For filing the report, post the report on 11.07.2024,"

In the reference 4th cited, preliminary action taken report submitted to District Collector on the complaint filed by M.Sankara Rao and also other buildings which falls in CRZ area Bheemili Zone, GVMC.

In the reference 5th cited the Hon'ble NGT has issued a direction to submit final report of action against building in CRZ area, Bheemili zone

As per direction of the District Collector in the reference 6th cited the action taken report on complaint filed by M.Shankar Rao, and other buildings identified during the joint inspection is submitted for Kind perusal and onward submission to the Hon'ble NGT.

Sl. No	Name and Address of the Building	Latitude	Longitude	Extent in Sqm	Year of Construction of the building	Nature of Construction	Action taken Status on subject buildings
1	Samudram Guest house, P.V.L.N Narasimha Raju, Bheemili Beach road	17.89227	83.45464	1150	2010	RCC G+1	The building is Approved by the then Bheemunipatnam Municipality Vide BPS Proceeding No. 625/Ward-16,Dt.25-02-2011. Further Show Cause notice issued to the Building owner to submit NOC from CZMA on Dt.14-7-2024 . In this regard Building owner requested 2 months time to submit the NOC from CZMA. Hence the Building owner is living in the said premises since 14 years the requested time to Submit the NOC may be granted and further action will be initiated as per Provisions of ACT
2	Kancharla Ravindranadh S/o Seshaya Naidu near Court building Beach road, Bheemunipatnam	17.89240	83.45435	2290	2015	S+G+1	Applicant applied under BPS vide file No BPS2019/VIS/BHE/BHE/36159 Dt.27.06.2019 further application is rejected due to violation of CRZ Norms and other reasons. Further Court case videCC.No 669 of 2019 is pending in hon'ble High Court .hence action against the said building will be initiated subject

							to Hon'ble Hight Court orders.
3	Narra Sitha maha Lakshmi,Bh eemili Court Building,Bh eemili Beach road	17.8 9243	83.4 5397	143	1994	G+2	The building is Approved by the then Bheemunipatnam Municipality Vide BA.No74/94 Dt 18-07-1994 .Further Show Cause notice issued to the Building owner to submit NOC from CZMA on Dt.14-7-2024 . In this regard Building owner requested 2 months time to submit the NOC from CZMA. Hence the Building owner is living in the said premises since 30 years the requested time to Submit the NOC may be granted and further action will be initiated as per Provisions of ACT
4	Municipal office Store Room	17.8 9294	83.4 5431	84	1999	G	Thestate Government building is an extension of Existing old Municipal office which is constructed in 1861 which is used for public needs and no further action is required in this matter
5	Municipal office old	17.8 9312	83.4 5394	503	1861	G floor Tiled roof extensio n with RCC building	Thestate Government building is constructed prior to CRZ notification 1991 in this regard NOC from CZMA is not required and no further action is required in this matter
6	Municipal Office new	17.8 9318	83.4 538	193	2011	RCC G+2	Thestate Government building building is an extension of Existing old Municipal office which is constructed in 1861 which is used for public needs and no further action is required in this matter
7	Port office	17.8 9329	83.4 5349	175	1950	M terrace G+1 Buildin g in Dilapid ated	TheCentral Government building is constructed prior to CRZ notification 1991 in this regard NOC from CZMA is not required and no further action is required in this matter

						stage	
8	Central excise and Custome office	17.8 9311	83.4 5355	377	1950	Tiled roof	TheCentral Government building is constructed prior to CRZ notification 1991 in this regard NOC from CZMA is not required and no further action is required in this matter
9	Dantaluri Janaki Rama Raju,Near Bheemili Municipal Office	17.8 9335	83.4 5325	331 Sqm	1994	RCC G+1	The building is Approved by the then Bheemunipatnam Municipality Vide Approved Vide BA.No79/94 Dt:27-10-1994. Further Show Cause notice issued to the Building owner to submit NOC from CZMA on Dt.14-7-2024 . In this regard Building owner requested 2 months time to submit the NOC from CZMA. Hence the Building owner is living in the said premises since 30 years the requested time to Submit the NOC may be granted and further action will be initiated as per Provisions of ACT

In due obedience to the Hon'ble National Green Tribunal orders the above Action Taken Report submitted for kind information.

Yours faithfully,


Commissioner,
GVMC

27/8/24