

**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 5<sup>th</sup> RESPONDENT**

**DATE- 15.11.2024**



**M/s MADHURI DONTI REDDY  
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD**

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN  
ZONE AT CHENNAI IN CONNECTION WITH  
Original Application No. 99/2023 (SZ)  
[Earlier O.A. No. 311 of 2023(PB)(LP)]**

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

**Place: Visakhapatnam  
Dt: 08.11.2024**

  
**Collector & District Magistrate,  
Visakhapatnam**

**Report in compliance with the Hon'ble NGT, Southern Zone, Chennai vide Order dated 30.08.2024 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 19.09.2024 in Original Application No. 99/2023 (SZ) [Earlier O.A. No. 311 of 2023(PB)(LP)], stated that the Hon'ble NGT, Chennai in its order dated 19.09.2024 stated the following:

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

**2. The learned counsel appearing for the State of Andhra Pradesh would seek time to file the additional report of the District Collector – Visakhapatnam District (Respondent No.5), as directed by this Tribunal.**

**3. Post the matter on 28.11.2024.”**

Copy of the Hon'ble NGT, New Delhi Order dated 30.08.2024 is submitted as **Annexure-I.**

In this regard, it is to submit that the Collector & District Magistrate, Visakhapatnam District directed the Greater Visakhapatnam Municipal Corporation(GVMC), Visakhapatnam on 28.09.2024 to submit action taken report on construction of buildings in CRZ area, Bheemili, Visakhapatnam, Andhra Pradesh.

The GVMC, Visakhapatnam vide letter dated 04.10.2024 has submitted a report stating the following action taken:

1. GVMC authorities identified un authorised construction in CRZ area on 21-06-2019 and immediately issued Notice on same day i.e., on 21-06-2019 and directed the individual to demolish the structure.

2. The individual filed BPS Application vide BPS/2019/VIS/BHE/36159 DT:27-06-2019 for regularisation of the said building.
3. Smt Pujitha filed WP.8411/2019 before the High Court and HC disposed the WP with a direction to dispose of the BPL application pending with authorities, and not to take coercive steps till disposal of the application.
4. As per the orders of High Court, the BPL Application was disposed of on 15-07-2019 rejecting the BPS Application. The individuals filed Appeal before Appellate authority. The individual filed WP No.11258/2019 and obtained stay orders. The Appeal filed by the individuals before the Appellate Authority was rejected vide orders dt:22-08-2019.
5. The Individuals filed WP. No. 12076/2019 against the orders of Appellate Authority and the Hon'ble High Court extended the Stay orders issued in WP.11258/2019 and is being extended from time to time and the same is pending.
6. The individuals filed Contempt Case in CC No.669/2019 against the former Commissioner, GVMC Smt G.Srijana, IAS, and another and the same is pending disposal.
7. Para wise remarks and counter affidavit filed in the above WP and a stay vacate petition also been filed.

The Municipal Commissioner, GVMC, Visakhapatnam has submitted a letter to the Municipal Standing Council, GVMC at Amaravathi to prepare and file counter in CC.No:669 of 2019 in writ petition No:11258/2019 filed by Dr.Kancherla Ravindranath and G. (P) Sai Pujitha and the contempt case is pending before the Hon'ble High Court of AP at Amarvathi.

In the W.P.No.12076/2019 interim orders have been extended from time to time till today and is pending before the Hon'ble High Court of AP at Amarvathi. The GVMC authorities have filed the stay vacate petition. As such no further action was taken as the interim orders and contempt proceedings are pending against the GVMC authorities.


Further, the GVMC authorities have not been able to take further action against the petitioners, as the stay orders in WP and CC are pending before the Hon'ble High Court and informed that the action will be taken immediately

after disposal of the stay orders in the above WP and contempt cases. Copy of the GVMC report dated 04.10.2024 is submitted as **Annexure-II**.

In view of the above status, the GVMC authorities are unable to take action as the issue is pending for adjudication before the Hon'ble Court.

Submitted.

**Place: Visakhapatnam**  
**Dt: 08.11.2024**

  
**Collector & District Magistrate,**  
**Visakhapatnam**  
*Handwritten initials in blue ink: 08/11/2024*

Item No.23:-

**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: 19.09.2024.**



**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 learned counsel appearing for the State of Andhra Pradesh would seek time to file the additional report of the District Collector - Visakhapatnam District (Respondent No.5), as directed by this Tribunal.

3. Post the matter on 28.11.2024.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.99/2023(SZ)  
19<sup>th</sup> September, 2024. Mn.



కలక్టరు 6 వారి కార్యాలయం  
విశాఖపట్నం

Annexure-II

2722

GREATER VISAKHAPATNAM MUNICIPAL CORPORATION: VISAKHAPATNAM

From  
Sri Sampath Kumar, IAS.,  
Commissioner,  
Greater Visakhapatnam Mpl Corpn  
Visakhapatnam.

Collector's Office  
Visakhapatnam

To  
The Collector  
Visakhapatnam.

04 OCT 2024

Rc.No. 571/2024 ACP-I, Zone-I dt; -09-2024



EE - PCB  
30/9  
District Collector  
Visakhapatnam

Sub: National Green Tribunal – complaint by Dr.M.Sankar Rao before the National Green Tribunal on illegal constructions in Zone -I, Bhimili – detailed report filed by the Dist. Collector in NGT – NGT observed that report does not specifically mention about the building which is referred to in the Petition – Additional report called for by NGT - submitted.

- Ref: 1. Complaint dt:30-01-2023 by Sri (Dr) M.Sankar Rao, AMHO, Zone I,GVMC., Visakhapatnam to the NGT, New Delhi.  
2.order of NGT, New Delhi in Original Appn No.311/2023 Dt:26-05-2023.  
3. Lr.No105/oA-311/2023/APPcB/legal/NGT(PB/2023 dt:15-06-2023 Of the Member Secretary, AP coastal Zone Management Authority, APPCB, Vijayawada.  
4.Report dt:25-4-2024 of the Environment Engineer, APPCB, Regional Office, Visakhapatnam in OA No.99/2023(in OA No.311.2023)  
5.Orders of the NGT, New Delhi in OA.No.99/2023 in OA.No.I311/2023(PB)(LP) dt:30-08-2024  
6.Oral orders of the Collector, Visakhapatnam.

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I invite kind attention to the references cited.

I submit that on the report submitted by the Collector, Visakhapatnam to the National Green Tribunal, New Delhi in OA No.99/2023(in OA No.311/ 2023) the NGT while hearing the case on 30-08-2024 has observed that report of the Dist. Collector, does not specifically mention about the building which is referred to in the letter/petition of complainant, and ordered to file an additional report including the Action taken on the illegal construction in the CRZ area.

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File  
CRZ  
25/10/24

I submit that one Dr. Kancherla Ravindranath S/o Sessaiah Naidu have purchased an extent of 2938 Sq.Yds in T.S.No:442 of Bhimili Near Court Buildings vide registered document No:582/95 Dt:06.02.1995. The individual has paid Vacant Land Tax from 31-03-2014 vide Asst.No.321 in TS No.442 for the period from 01-04-1997 to 31-03-2014 and later he applied for Building Plan for construction of residential house vide BL No.Temp/1086/0263/B/BMLZ/BMLI/2016 on 15-03-2016, subsequently constructed a building with basement + Ground + 1<sup>st</sup> floor in the said property and residing in the said building for the last more than 7 years. The GVMC authorities during outdoor inspections identified the unauthorised structure in TS No.442 of Bheemunipatnam municipality. Immediately, GVMC authorities issued Notice on 21.06.2019, to demolish the structure. But the individual has not complied with the Notice and the individual immediately submitted an application under BPS scheme vide application No.BPS/2019/VIS/BHE/36159 on dated 27.06.2019 for regularisation of the said building.

Smt.G(P)Pujitha W/o P. Venkata Rama Prasanth purchased the said property with the buildings from Kancherla Ravindranath on 02.06.2019 vide Registered Document No:3065/2019. She approached high court and filed W.P.No:8441 of 2009. The Hon'ble High Court disposed the WP No:8411/2019 Dt:03.07.2019 with a direction that the application filed by the vendor of the petitioner dated:27.06.2019 for regularization of the building is pending with respondents 2 to 4, they are directed to dispose of the same as expeditiously as possible. Till the disposal of the said application, respondents 2 to 4 are directed not to take any coercive steps against the subject property. It is made clear that if any reason, the application of the petitioner's vendor is negative, respondents 2 to 4 are at liberty to take appropriate action in accordance with law."

As per the order of the Hon'ble High Court in W.P.No:8411 of 2019 the BPS application No:BPS/2019/VIS/BHE/36159 dated 27.06.2019 was processed and rejected on 15-07-2019. Against the said order, the individual filed an Appeal through Commissioner, GVMC, Visakhapatnam to the Appellate Authority. The GVMC authorities issued notice U/s 636 of APHMC as such Dr.Kancherla Ravindranath and G.(P) Sai Pujitha approached the Hon'ble High Court in W.P.No:11258/2019 and the same was disposed by the Honourable High Court "directing the appellate authority to dispose the Appeal filed by the petitioners in accordance with Law and the authority was also directed to issue copy of the order in appeal to the petitioners on the same day on which date the appeal is disposed of to enable them to pursue their remedies which are available to them under Law within a period of one week. It was further directed by High Court, that till the disposal of the Appeal and for one more week after the service of copy of the order in

Contd.P3

appeal, the respondents were directed not to take any coercive steps against the subject schedule property." Hence, further action in the notice issued U/s 636 of HMC Act.1955 was stayed. Subsequently the Appellate authority rejected the appeal vide orders in UC.No.TP/02/2019/Bheemili, dt:22.08.2019.

On the above Appellate orders, Dr.Kancherla Ravindranath and G (P) Sai Pujitha filed W.P.No: 12076/2019 ( WP SR.No:19664/2019 ) in the Hon'ble High Court. The Honourable High Court on considering the submissions of the petitioners and on perusal of the material papers on record the Honourable High court held that there is a prime facie case and balance of convenience in favour of the petitioners as the orders passed by this Court has specifically protected the interests of the parties in W.P. No:11258 of 2019 vide order dt:13.08.2019 i.e. not to take any coercive steps for a period of one week after service of copy of the order in Appeal. The Honourable High Court further held that Since the validity of the impugned notice is challenged in this writ petition, the high court held that a detailed hearing is required in this matter and in the meanwhile, to avoid irreparable loss to the petitioners, the High Court, has extended the interim suspension of the Proceedings U.C.No:TP/02/ 2019/ Bheemili, Dt:22.08.2019 issued by the 2<sup>nd</sup> Respondent, under Section 636 of the GHMC Act, 1955 till 27.08.2019.

I submit that, Subsequently the Honourable High Court has extended stay orders 23.08.2019, 16.10.2019, 18.10.2019, 24.10.2019, 22.11.2019, 28.11.2019,12.12.2019;., and on 12.12.2019 it was ordered to post this case before appropriate bench as per Roster till then interim orders are extended. I submit that the Case has not come up for hearing till today as such interim orders issued earlier are in force, and no further action was taken on this case.

I further submit that , Dr.Kancherla Ravindranath and G (P) Sai Pujitha filed contempt case in CC.No:669 of 2019 against the Smt. Srijana, IAS, Commissioner of Greater Visakhapatnam Municipal Corporation, Visakhapatnam and another against the orders in W.P.No:11258/2019, Dt:13.08.2019 which is pending before the Hon'ble High Court.

G.(P)Sai Pujitha on the instructions of GVMC authorities to obtain clearance from CRZ authorities, have made an application to the CRZ authorities and the same is pending before them.

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**Action taken :****It is submitted that the following are the sequence of Action taken :**

1. GVMC authorities identified un authorised construction in CRZ area on 21-06-2019 immediately issued Notice on same day ie;., on 21-06-2019 and directed the individual to demolish the structure.
2. The individual filed BPS Application vide BPS/2019/VIS/BHE/36159 DT:27-06-2019 for regularisation of the said building.
3. Smt Pujitha filed WP.8411/2019 before the High Court and HC disposed the WP with a direction to dispose of the BPL application pending with authorities, and not to take coercive steps till disposal of the application.
4. As per the orders of High Court, the BPL Application was disposed of on 15-07-2019 rejecting the BPS Application.
5. Individuals filed Appeal before Appellate authority
6. The individual filed WP No.11258/2019 and obtained stay orders.
7. The Appeal filed by individuals before the Appellate Authority was rejected vide orders dt:22-08-2019
8. The Individuals filed WP. No. 12076/2019 against the orders of Appellate Authority and High Court extended the Stay orders issued in WP.11258/2019 and extended from time to time and the same is pending.
9. The individuals filed Contempt Case in CC No.669/2019 against the former Commissioner, GVMC (Smt G.Shrijana,IAS, and another and the same is pending disposal.
10. Para wise remarks and counter filed in the above WP and also filed stay vacate petition.

I submit that Para wise remarks was sent by the Commissioner of Greater Visakhapatnam Municipal Corporation along with letter to the Municipal standing council, GVMC at Hyderabad to prepare and file counter in CC.No:669 of 2019 in writ petition No:11258/2019 filed by Dr.Kancherla Ravindranath and G. (P) Sai Pujitha and the contempt case is pending in the Hon'ble High Court , Vijayawada.

In the W.P.No.12076/2019 interim orders have extended form time to time till today and is pending before the Hon'ble High Court, Vijayawada. The GVMC

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authorities have filed stay vacate petition. As such no further action was taken as the interim orders and contempt are pending against the GVMC authorities.

In view of the above circumstances, the GVMC authorities have not able to take further action against the petitioners, as the stay orders in WP and CC are pending before the Honourable High Court. I submit that action will be taken immediately after disposal of the stay orders in the above WP and CC. This is submitted for favour of information.

Yours faithfully,

  
COMMISSIONER,  
GVMC, VISAKHAPATNAM

*Sin*  
28/9/19  
TPO

Encl: The Hon'ble High Court orders

1. Orders in W.P.No: 8411/2019, Dt:03.07.2019
2. Orders in W.P.No:11258/2019, Dt:13.08.2019
3. Orders in W.P.No:12076/2019 Dt:27.08.2019
4. Orders extending time in W.P.No:12076/2019 Dt:27.08.2019 (Copies are enclosed)