

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

**OA No 11 OF 2024 (SZ)
And
OA No 193 OF 2023 (SZ)**

IN THE MATTER OF:

S. SIVAIAH NAIDU

..... Applicant

Vs

MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE & OTHERS

.... Respondents

And

SUO MOTU

..... Applicant

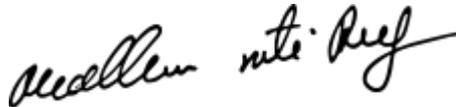
Vs

**SPECIAL CHIEF SECRETARY TO GOVT. OF ANDHRA PRADESH DEPARTMENT
OF ENVIRONMENT FOREST SCIENCE AND TECHNOLOGY & OTHERS**

.... Respondents

COUNTER FILED BY THE COLLECTOR 1st RESPONDENT

DATE- 11.08.2024



**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 BENCH AT CHENNAI

OA NO. 11 OF 2024 (SZ)
&
OA NO. 193 OF 2023 (SZ)

1. **S.Sivaiah Naidu**
Former Judge & Judicial Member of
A.P. Administrative Tribunal
Nethakuppam Village
Ramachandra Puram Mandal
Tirupati District
Andhra Pradesh -517561

.....APPLICANT

Versus

1. **The District Collector and District Magistrate**
Tirupati District,
Andhra Pradesh – 517504
2. **The Chief Commissioner of Land Administration,**
Govt., of Andhra Pradesh
APIIC TOWERS,
Mangalagiri,
Andhra Pradesh – 522503
3. **Executive Engineer**
Irrigation Department, Tirupati
Andhra Pradesh – 517502
4. **The Mandal Revenue Officer**
Ramachandrapuram Mandal
Andhra Pradesh – 533287
5. **The District Forest Officer,**
Tirupati
Andhra Pradesh – 517501


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6. **P.Jagadeesh Babu, S/o Ratnam**, age not known
Alleged assignee of land in Survey No.428-1,
Muchala Kona of Nethakuppam Village,
Ramachandrapuram Mandal, Tirupati District,
Andhra Pradesh – 517561
7. **B Venugopal Reddy, S/o B Ramireddy**, age not known
Alleged assignee of land in Survey No.428-1,
Muchala Kona of Nethakuppam Village,
Ramachandrapuram Mandal, Tirupati District
Andhra Pradesh - 517561

.... RESPONDENTS

COUNTER AFFIDAVIT FILED BY DISTRICT COLLECTOR R1

I, Venkateswar Salijama, S/o Venkataiah, aged about 35 years, working as District Collector, Tirupati District, do hereby solemnly affirm and sincerely state as follows:

1. I am the 1st Respondent herein and as such I am well acquainted with the facts of the case. I submit that I have gone through the averments of the O.A filed by the Applicant herein and deny all the averments of the O.A except to the extent which are specifically admitted hereunder and the Appellants are put to strict proof of all averments which are denied.
2. It is submitted that, in the reference 1st and 2nd cited above, the Hon'ble National Green Tribunal, Southern Zone, Chennai has informed that one Sri.S.Sivaiah Naidu, former Judge & Judicial Member of A.P. Administrative Tribunal, Andhra Pradesh has filed petition (OA No.11/ 2024) and Smt.K.Gnana Sudha has filed a petition (OA No.193/2023) before the Hon'ble National Green Tribunal Southern Zone, Chennai, complaining that the persons who claiming to be assignees of forest land, clearing the Muchala Kona forest extensively and removing the jungle without any authorization. The petitioners prayed to the Hon'ble Tribunal


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to initiate appropriate criminal action against the persons who are claiming to be assignees of the forest land of Ramachandrapuram mandal.

3. Pursuant to the instructions issued by the District Collector, vide reference 2nd cited above, in the references 3rd, 4th, 5th and 6th cited, relevant Officers have submitted their enquiry reports as follows:

Report of Tahsildar, Ramachandrapuram Mandal:

In the reference 3rd cited above, the Tahsildar, Ramachandrapuram has submitted a report stating that they have inspected the alleged land and stated that the facts involved in the land are as follows:

- i) The Forest Department authorities and Revenue Department authorities with their field staff have inspected the subject land.
- ii) The said land is vacant on ground and it belongs to the Revenue Department and such lands whenever required for public purpose, the Government is at liberty to make use of the land under the circumstances existing in and around the village. In the villages of Ramachandrapuram Mandal, no lands are available to grant assignment pattas to the eligible assignees except the land situated in Sy.No.428 to an extent of Acs.10.00.
- iii) The said land is vacant on ground and it is adjacent to the Reserve Forest of Nethakupppam village of Ramachandrapuram Mandal and thereafter the report was placed before the District Administration and elaborative proceedings were issued by the then District Collector, Tirupati on 14-8-2024 vide Rc.E1/951/2023 directing the Tahsildar to issue an assignment patta for the lands situated in the Sy.No.428-1 to an extent of


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Acs.5.00 (GAP AREA) of Netthakupam village of Ramachandrapuram Mandal in favour of Sri. P.Jagadeesh babu S/o Late. P.Rathnam reddy, Ex-serviceman and Sri.B.Venugopal reddy S/o B.Rami reddy, Ex-Serviceman in Sy.No.428-2 to an extent of Acs.5.00 of Nethakuppam Village of Ramachandrapuram Mandal after taking approval from the District Level Assignment Committee, Tirupati for Chandragiri Assembly Constituency. (Copies of the proceedings are enclosed).

iv) As could be seen from the connected file Rc.No.E1/951/2023, available in the Collector's Office, the following relevant facts are submitted for kind perusal of the Hon'ble Tribunal.

a) Sri. P.Jagadeesh babu S/o late P.Rathnamreddy, resident of Kurrapalli village of Irala Mandal of Chittoor District and Sri.B.Venugopal reddy S/o B.Rami reddy, resident of Venkatapuram Satram village of Puthalapattu Mandal of Chittoor District have filed applications before the Zilla Sainik Welfare Officer, Chittoor stating that they have served in the Indian Army and requested to allot land to an extent of Ac.5.00cts each in Nethakuppam village of Ramachandrapuram mandal under Ex-Servicemen category.

b) In pursuance of the aforementioned representations, the then Zilla Sainik Welfare Officer, Chittoor has informed the Erstwhile Collector & District Magistrate, Chittoor stating that the aforementioned two applicants are come under Ex-Servicemen category and they are eligible to get the assignment of land.

c) The Revenue Divisional Officer, Tirupati and the Tahsildar


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Ramachandrapuram Mandal have submitted their reports as follows:

i) The land in Sy.No. 428 measuring an extent of Acs.10.00cts is classified as "GAP AREA" of Nethakuppam village and A1 Notices were published in the conspicuous places inviting objections from the villagers with regard to assignment of the land in favour of the two applicants. But no objections were received from the villagers.

ii) The Gram Panchayat (Special Officer) of Nethakuppam village issued a resolution for allotment of aforementioned land in favour of two assignees as this land is not required for any other public purposes.

iii) The Mandal Surveyor sub-divided the land and scrutinized the sub-division record by the Deputy Inspector of Survey.

iv) The Government of Andhra Pradesh vide G.O.Ms.No.743 Revenue Department, Dt.30.04.1963 and subsequent Government orders, has issued guidelines stating that " All Jawans domiciled in Andhra Pradesh and serving in the defense forces of India, will after demobilization, be eligible for the assignment of lands in their own villages or elsewhere under these rules. Each Jawan will be eligible for the grant of an extent of Acs.2.50cts wet or Acs.5.00cts dry land provided that the total extent of land already owned plus the land assigned to him, shall not exceed Acs.2.50cts wet or Acs.5.00cts dry.

v) The Government of Andhra Pradesh, vide G.O.Ms.No.250 Revenue (Assn.) Department., Dt.15.05.2018 reconstituted the


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District Level Assignment Review Committee under the Chairmanship of District in charge Minister to review the assignment of Government lands assigned to the assignees whether the assignees are eligible to get the assignment or not with the members as follows:(Copy enclosed)

- | | |
|--|------------|
| 1. District in charge Minister | - Chairman |
| 2. Concerned District Minister/s | - Members |
| 3. Joint Collector
Convenor | -Member- |
| 4. MLCs who choose the constituency
invitee concerned | - Special |
| 5. MLA of the Assembly Constituency
concerned | -Member |
| 6. RDO/Sub - Collector concerned | -Member |

vi) The District Level Assignment Review Committee under the Chairmanship of District Incharge Minister has met on Dt. 15.07.2023 for the purpose of granting assignments in favour of eligible beneficiaries and the committee has also approved and recommended to grant assignments pattas for the land to an extent of Acs.5.00cts in Sy.No.428-1 of Nethakuppam village of Ramachandrapuram Mandal in favour of Sri. P.Jagadeesh babu S/o late P.Rathnam reddy under Ex-Servicemen category and also for the land to an extent of Acs.5.00cts in Sy.No.428-2 of Nethakuppam village of Ramachandrapuram Mandal in favour of Sri B.Venugopal Reddy S/o Rami Reddy under Ex-Servicemen category and issued a minutes to that effect. (Copy enclosed)

vii) The Government of Andhra Pradesh, vide G.O.Ms.No.279, Revenue (Assn-I) Department, Dt.04.07.2016 and the Chief


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Commissioner of Land Administration, A.P., Mangalgiiri issued a circular instructions vide Assn-I(1)/350/2022, Dt:04.05.2022 dispensing with the procedure of issuing NOCs that " there shall be no need for obtaining NOC in all cases of assignment of Ex-Servicemen in which a period of 10 years has been expired and there is no dispute on the land with the Government" and the lands assigned to Ex-Servicemen may be kept in separate Annexure in 22(A)(1) with date of Assignment certified by the District Collector with a clause that all the assigned lands to Ex-Servicemen shall stand withdraw from 22(A)((1) list to sell the lands assigned under Ex-Servicemen category".

viii) The Government vide G.O. Ms.No.128 Revenue (Assn.I) Department, Dt.04.04.2016 has issued amendment for the condition No.1 in G.o.Ms.No.840, Revenue (Assn-I) Department, Dt.04.04.206 of D- Form Patta of Telugu version, the following shall be substituted namely:

“ అసైన్డ్ భూములను వ్యవసాయం మరియు సంబంధిత అనుబంధ కార్యకలాపాలు - ఉద్యానవన, పట్టుపురుగులు పెంపకం, పశుపోషణ, చేపలు, రొయ్యలు పెంపకం, కోళ్ళు పెంపకం, గొర్రెలు పెంపకం, మేకలు పెంపకం, వంటి ప్రయోజనాలు కోసం ఉపయోగించ వచ్చును. ఏదేని ఇతర ప్రయోజనాలు కొరకు ఉపయోగించకుడదు.”

ix) The guidelines issued in G.O.Ms.No.743 Revenue Department, Dt:30.04.1963, G.O.Ms.No.1142 Revenue Department, Dt.18.06.1954, CCLA's Ref.No: Assn-I(I)/1297/2019, Dt.31.08.2019, G.O.Ms.No.128 Revenue (Assignment-I)Department, Dt.04.04.2016, G.O.Ms.No.250 Revenue (Assgn-I) Department, Dt.15-05-2018, Chief Commissioner of Land


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Administration, A.P. Mangalgiri Lr.No.Assn.I(1)/350/2022, Dt.04.05.2022, the Tahsildar, Ramachandrapuram mandal was directed to once again re-verify the genuineness of the Ex-Servicemen and further directed to issue Assignment Patta for the land to an extent of Acs:5.00cts in Sy.No.428-1 and 428-2 to an extent of Acs.5.00cts (GAP AREA) of Nethakuppam village of Ramachandrapuram Mandal in favour of Sri P.Jagadeesh Babu S/o Rathnam Reddy and Sri B.Venugopal Reddy S/o Rami Reddy duly strictly following the procedure laid down under B.S.O-15 for granting assignment of Government land to Ex-Servicemen subject to the following conditions:

- a) Land assigned shall not be sold or otherwise alienated for a period of ten years.
- b) Lands Assigned shall be brought under cultivation within 3 years.
- x) Cultivation shall be by the assignee or members of his family or with hired labor under the supervision of himself or a member of his family.
- xi) The District Registrar, Tirupati was taken action in placing the land in the prohibitory properties list and to delete the same from the Prohibited Properties U/s 22(A)(1)(a) list in which a period of 10 years has expired from the date of granting assignment when there is no dispute on the land with the Government.
- xii) The record also shows that, based on the directions of the District Collector and decision taken by the District level Assignment Review Committee for Chandragiri Assembly


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Constituency, the Tahsildar, Ramachandrapuram granted assignment Pattas in favour of Sri. P.Jagadeesh babu S/o late P.Rathnam reddy and Sri B.Venugopal Reddy S/o Rami Reddy for the lands situated in Sy.No.428-1 and 428-2 @ Acs.5.00 each, as they are the Ex-servicemen and rendered priceless services to the country.

It is submitted that the report of the Tahsildar also shows that the assignees are preparing the lands for cultivation duly removing the boulders and bushes existed on the lands.

I. Report of Executive Engineering, Irrigation Department, Tirupati:

The Executive Engineer, Irrigation Department, has submitted a report stating that:

- i) Sri S.Sivaiah Naidu has filed OA No. 11/2024 before the National Green Tribunal South Zone Bench, Chennai, The petitioner has stated that the MuchalaKona Kunta nearby hilly area with an extent of 25 acres and adjacent to the reserve forest is being levelled and cleared. It was also stated that the pond Muchala kona kunta receives water from natural seasonal water stream and it provides irrigation facilities to the lower riparian farming lands.
- ii) As per the records available with this department, a work "Formation of percolation tank across (PTO) Buggalavanka near L.V Puram (V) in Ramachandrapuram mandal" was sanctioned under RIDF VIII for an amount of Rs. 1,00,000/-


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and the work was taken up by Sri S.Gopal, Chairman, Ayacutdar committee, Buggala vanka Percolation tank, LV Puram village. During discussions held with the villagers by the Assistant Executive Engineer, Irrigation Section, Ramachandrapuram it was stated that the existing natural passage Buggala vanka is now called as 'Muchalakona'. But as per the village plan the above said percolation tank was not marked. During field inspection it was noticed that bund of the percolation tank i.e., Muchala kona kunta was not disturbed and it was covered with small bushes. As it is a percolation tank, it does not provide irrigation facilities directly. But the purpose of the percolation tank is to increase the ground water in nearby wells. The percolation tank doesn't have sluice and also surplus weir. The surplus water will be discharged through low level area.

iii)The Assistant Executive Engineer, Irrigation Section, Ramachandrapuram mandal has requested the Tahsildar, Ramachandrapuram to furnish the details of kuntas/percolation tanks along with survey numbers, FMBs and 1Bs pertaining to the Nethakuppam Village and depute the mandal surveyor, Ramachandrapuram Mandal to demarcate the boundaries of kuntas/percolation tanks in Nethakuppam Village.

iii) Subsequently, the Tahsildar, Ramachandrapuram mandal has submitted a detailed report to the District Collector, Tirupathi and a copy marked to the Assistant Executive Engineer, Irrigation Section, Ramachandrapuram (copy enclosed) stating that the allegation that a water body i.e., kunta namely 'Muchalakona kunta' is being disturbed is a false contention. As


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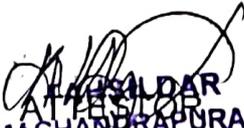

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per Village Map and Fair Adangal of Nethakuppam (V), the said 'Muchalakona kunta' does not found in the records. Further after conducting a physical inspection, it has been found that there is natural passage from the top at the hills and receiving water is stored below ground level with in an area of Ac 0.70 cents. This area was not disturbed by the assignees during the reclamation of the land. The present subject land is existing on the Northern side of the said kunta and there is no scope and no necessity to interfere with the said kunta. Since the said waterbody has not been disturbed in any manner and also required to maintain the waterbody not only for the assignees but also to the villagers for their livestock and other utility.

- v) Finally, the Executive Engineer, Irrigation Department, Tirupati has stated that the allegation land has disturbed by the assignees during the reclamation of the land is not correct. The present subject land is existing on the Northern side of the said kunta and there is no scope and no necessity to interfere with the said kunta by the assignees.

II. Report of District Forest Officer, Tirupati:

- i) The District Forest Officer, Tirupati has submitted a report stating that he has inspected the subject lands on 26.02.2024 and verified the status of the lands:
- ii) There is no Forest called as 'Muchalakona Forest' area in the notified forest areas. As per the satellite maps and revenue records, the said land being allegedly cleared by Sri P.Jagadeesh Babu & Sri B.Venugopal Reddy exists in survey


A. S. Saldar
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numbers 428-1 & 428-2 of Nethakuppam village in Ramachandrapuram Mandal limits.

iii) On verification of the available records, the said lands in Sy.No.428-1 and 428-2 are approximately 40 to 60 meters (2 to 3 chains) away from the boundary of 'Dornakambala Reserve Forest' and clearly separated by the black top road leading from Chandragiri to Netakuppam. The same has been informed to Tahsildar, Ramachandrapuram vide District Forest Officer, Tirupati Rc.No.192/2023/TO, Dt.04.02.2023 when they sought No Objection Certificate and also informed to furnish joint inspection report for issue of No Objection Certificate.

iv) The said assigned lands do not form part of Dornakambala Reserve Forests. The said land is not a part of any notified Forest of recorded forests. As per the available revenue records (Adangal report downloaded from (<https://meebhoomi.ap.gov.in>), nature of the land is 'Government land' and not a part of any recorded forest.

v) The field enquiry, it appears that it is looks like a small hillock and said to have been assigned by the Revenue Department in favour of Sri P.Jagadeesh Babu & Sri B.Venugopal Reddy, who are said to be ex-servicemen. As the assigned lands are gently sloping in one direction, the assignees seems to have levelled the ground for utilization. There seems to be no trees existing in the land except covered by thorny bushes grasses and light vegetation growth.

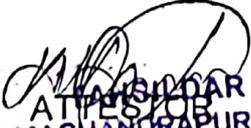
vi) Finally, the District Forest Officer, Tirupati has stated that the above said lands may be mutated in favour of Forest Department


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duly cancelling the DKT Pattas and evicting encroachments, the forest Department will safe guard the above lands by plantations and conserve the nature by notifying the said lands as Forest Lands /Reserve Forests.

4. It is further submitted that, Smt. K.Gnana Sudha also filed a similar petition to the Mandal Revenue Officer, Ramachandrapuram mandal of Tirupati District on 11.12.2023, with the same contents. The Hon'ble Tribunal taken up the case on its own motion suo motu based on the petition letter dated 11.12.2023 filed by Smt. K.Gnana Sudha in OA No.193/2023(SZ).
5. It is submitted that on observing the enquiry reports submitted by the aforementioned authorities concerned on the subject matter, filing petition before the Hon'ble National Green Tribunal, Southern Zone (Chennai) alleging that the 'MuchalaKona Kunta' nearby hilly area with an extent of 25 acres and adjacent to the reserve forest is being levelled and cleared without authorization is not substantiated.
6. It is submitted that the above points may kindly be placed before the Hon'ble National Green Tribunal, Chennai requesting to drop both the OAs (11/2023 an 193/2023) (SZ) from the list of pending cases as the inquiring authorities have concluded that the said water body has not been disturbed in any manner and also required to maintain the water body not only for the assignees but also to the villagers for the their livestock and other utility. No jungle also cleared unauthorizedly by the assignees. They only reclaimed the land assigned to them.
7. It is submitted that the allegations were not substantiated.


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The complaints are not maintainable in accordance with law. The complaints don't have merits and therefore, the Hon'ble Tribunal may be pleased to dismiss the OA.No.11 of 2024(sz) and OA.No. 193 of 2023(sz) and be pleased to pass such other order or orders as deem fit and proper in the circumstances and in the interest of justice.

8. It is submitted that the record of enquiry together with its enclosures are submitted here with for kind perusal.
9. In the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above O.A 11 of 2024 (SZ) and O.A 193 of 2023 (SZ) 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.

Solemnly affirmed and signed
on this, theday August,2024 and
Signed his name in my presence at Tirupati


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Before me

ATTESTOR

VERIFICATION

I, Venkateswar Salijama, S/o Venkataiah, aged about 35 years, working as District Collector, Tirupati District, do hereby verify and state that the contents of above paragraphs in the Counter Affidavit are true to the best of my knowledge, and based on information and records which are believed to be true and correct.

Verified on this the day of August,2024 at Tirupati


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