

**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

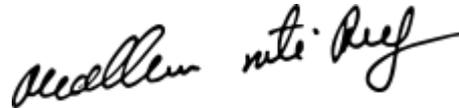
Vs

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

.... Respondents

COUNTER FILED BY THE DFO 5th RESPONDENT

DATE - 11.08.2024



**M/s MADHURI DONTI REDDY
ADVOCATE**

STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH

A.P. POLLUTION CONTROL BOARD

#26, S2, Royal Castle, 26, Gill Nagar Extension, Choolaimedu, Chennai – 600 094.

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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)**

IN THE MATTER OF:

S. Sivaiah Naidu

..... Applicant

Vs

The District Collector and District Magistrate & Others

.... Respondents

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

Date: 10.08.2024

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

B. Sudd
ATTESTOR
FOREST RANGE OFFICER
TIRUPATI

B. Sudd
DEPONENT
District Forest Officer,
Tirupati.

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 DFO RESPONDENT NO.5

I, G.Satish, S/o G. Anantha Reddy, Hindu, aged about 40 years, working as District Forest Officer, Tirupati Division, Tirupati, R/o Tirupati, do hereby solemnly affirm and sincerely state as follows:

1. I am the 5th 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 respectfully submitted that, in reply to para 1 to 4, there is no forest called MUCHALA KONA Forest area as per Forest records. The land

B.S.M
ATTESTOR
FOREST RANGE OFFICER
TIRUPATI

G.Satish
DEPONENT
District Forest Officer,
Tirupati.

claimed by the Applicant as Muchalakona forest is an unsurveyed land which is 40-60 mts away from Dornakambala Reserve Forest. As per the satellite maps and revenue records, the said land being cleared by the Respondents 6 and 7 exists in survey numbers 428-1 and 428-2 of Netakuppam village in Ramachandrapuram Mandal limits. The said assigned land does not form part of any Reserve Forest. The said land is not under control of the Forest Department. The land is like a small hillock and said to have been assigned in favour of respondents 6 and 7 who are said to be ex-servicemen. As the assigned land is gently sloping in one direction, the assignees seem to have leveled the ground to make it a plain land. There are no trees existing in the land except some grass and few thorny bushes. There is no significant damage to the forest, wildlife as the area contains hardly any vegetation except grass and bushes.

3. It is respectfully submitted that, in reply to para 5 & 6, the area mentioned as Muchalakona Kunta (Muchalakona pond) is neither an irrigation tank nor a drinking water tank. As seen from the Google imageries, the area being claimed as Muchalakona pond seems to be a small pit formed due to removal of soil from that area during 2000s under MGNREGS works.

B. Subal
ATTESTOR
FOREST RANGE OFFICER
TIRUPATI

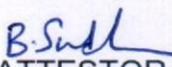
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District Forest Officer,
Tirupati.

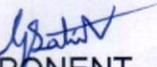
4. Further, it is respectfully submitted that the extent of the said pit is hardly Acs. 0.20 cents, but not 100 acres as mentioned in the affidavit of the applicant. It is located at the South-east corner of the land assigned to the Respondents 6 & 7. There is no truth in the averments that the said land is serving the daily needs of local villagers and cattle headers as foraging area since several hundreds of years and 5000 people are effected as their livelihood depends on green pasture and water from Muchalakona kunta.
5. Further, it is submitted that there is no truth in the averments that Muchalakona kunta is also feeding the natural seasonal water stream which is providing irrigation facilities. It is a small pit formed over Acs 0.20 cents due to removal of soil before two decades. It is not useful for the drinking water needs of the public.
6. It is respectfully submitted that, in reply to para.no.8 to 15, the allocation of land to respondents 6 & 7 are not done by the Forest Department. The land assigned to the Respondents 6& 7 in Survey Nos 428-1 and 428-2 does not form part of Dornakambala Reserved Forest. The said land is not a part of any notified Forest or recorded Forests. As per the available revenue records (Adangal report downloaded from <https://meeebhoomi.ap.gov.in>), nature of the land is Darakastu and not a part of any Recorded Forest.

B. Sudd
 ATTESTOR
 FOREST RANGE OFFICER
 TIRUPATI

[Signature]
 DEPONENT
 District Forest Officer,
 Tirupati.

7. Further, it is submitted that, on verification of the available records, the said lands in survey Nos 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 Tahsildhar, Ramachandrapuram vide District Forest Officer, Tirupati Rc.No.192/2023/TO, Dt.04.02.2023 when they sought NOC and also informed to furnish joint inspection report for issue of NOC.
8. Further, it is respectfully submitted that, there is very less possibility of damage to the environment, ecology, wildlife, right to life or age-old eco system as claimed by the Applicant.
9. It is respectfully submitted that, in reply to the para.no.16, as the said land not pertains to Forest Department, and the assigned land is gently sloping in one direction, the assignees seem to have leveled the ground to make it a plain land. There are no trees existing in the land except some grass and few thorny bushes. There is no significant damage to the forest, wildlife as the area contains hardly any vegetation except grass and bushes. Hence, necessity of taking action by the Forest Department doesn't arise.
10. It is respectfully submitted that, in reply to the para.no.17, the Applicant has exaggerated the whole issue to draw attention of the Hon'ble Tribunal by mentioning Acs. 0.20 cents pit as Acs.100.00 irrigation tank.


ATTESTOR
FOREST RANGE OFFICER
TIRUPATI


DEPONENT
District Forest Officer,
Tirupati.

11. It is respectfully submitted that, the Answering Respondent craves leave of this Hon'ble Tribunal to file additional counter affidavit along with documents during the course of proceedings, if required.

12. 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

[Signature]
DEPONENT
District Forest Officer,
Tirupati.

[Signature]
//ATTESTOR//
FOREST RANGE OFFICER
TIRUPATI

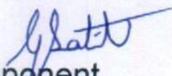
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District Forest Officer,
Tirupati

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FOREST RANGE OFFICER
TIRUPATI

VERIFICATION

I, G. Satish, S/o G. Anantha Reddy, aged about 40 years, working as District Forest Officer, Tirupati 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


Deponent
District Forest Officer,
Tirupati.

**GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT**

Rc.No.192/2023/TO
Dated:-04.02.2023.

Office of the District Forest Officer
Tirupati

**Sri G.Satish, SFS.,
District Forest Officer**

Sub:- Forest Department – Assignment of Land under Ex Service Man – Chittoor District – Application of Sri B.Venugopal Reddy, Ex-Service man- Received from ZSWO, Chittoor District for allotment of land under Ex-Service men quota – Requested for grant of NOC – Sy.No.Gap area of Nethakuppam Revenue Village, Ramachandrapuram Mandal – Certain clarification requested from Forest Department – furnishing information– Regarding.

Ref:- 1.Tahsildar, Ramachandrapuram Mandal Roc.A/12/2022, Dt.31.01.2023.
2.This Office Rc.No.192/2023/TO, Dt.01.02.2023.
3.Forest Range Officer, Tirupati Rc.No.36/2022/TPT, Dt.04.02.2023

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It is to inform that, in the ref.cited, the Tahsildar, R.C.Puram Mandal has requested to inspect the proposed land (i.e., the land requested for allotment to Sri B.Venugopal Reddy, Ex-Service man under Ex-Service men quota) and also requested to clarify whether the land comes under the Reserve Forest or not in order to issue DKT patta to Sri B.Venugopal Reddy, S/o B.Rami Reddy, Ex-Service Man.

In this connection, the remarks on the above subject matter have been called for from the Forest Range Officer, Tirupati Range vide ref.2nd cited. In the ref.3rd cited, the Forest Range Officer, Tirupati Range has submitted a report stating that, he along with his staff have inspected the said land on 02.02.2023 and stated that the area falls in western side of Nethakuppam Village and the proposed area is 60 meters distance to Dornakambala Reserve Forests.

In this regard, it is to inform that for issuing of NOC to any subject matter, the joint inspection of Survey Land & Records, Revenue Department and Forest Department is required. Therefore, it is requested to furnish joint inspection report for issue of NOC if required. However, the Forest Range Officer, Tirupati & concerned staff have inspected and stated that the proposed land falls in western side of Nethakuppam Village and at a distance of 60 meters from Dornakambala Reserve Forests. As per the said report and based on GPS coordinates, the proposed land falls outside the Reserve Forests. A copy of the ref.3rd cited is enclosed herewith.

This is for information and necessary action.

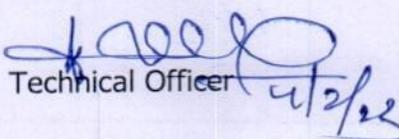
Encls:-As above.

Yours faithfully
Sd/-G.Satish
District Forest Officer
Tirupati.

To
The Tahsildar, Ramachandrapuram Mandal.

//t.c.b.o//

Technical Officer


4/2/23

**GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT**

From

Sri B. Ramla Naik,
Forest Range Officer,
(FAC) TIRUPATI RANGE.

To

The District Forest Officer,
Tirupati District,
TIRUPATI.

Through Proper Channel

Rc.No.36/2022/TPT, dt:04.02.2022.

Sir,

Sub :: Forest Department - Assignment of land under Ex-service Man - Chittoor District - application of Sri B. Venugopal Reddy, Ex-Service man - received from ZSWO, Chittoor District for allotment of land under Ex-Service man quota - requested for grant of NOC-Survey No. Gap area of Nethakuppam Revenue Village Ramachandrapuram Mandal - Certain - Clarification requested from Forest Department - Remarks called for - submission of Report - Remarks - Regarding.

Ref :: 1. Tahsildar, Ramachandrapuram Mandal ROC /12/22, dt:31.01.2023.
2. District Forest officer, Tirupati Rc.No. /2023/TO,dt:01.02.2023.

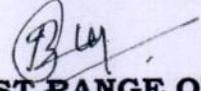
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It is to submit that, basing on the report of Tahsildar Ramachandrapuram Mandal submitted through the reference 1st cited above the District Forest Officer, Tirupati has called for the remarks / report regarding whether the proposed gap area of western side of Nethakuppam village has comes under the Revenue Forests or not for in order to issue DKT patta to Sri B. Venupala Reddy, S/o. B. Rami Reddy, Ex-servicemen by the Tahsildar, Ramachandrapuram through the reference 2nd cited above.

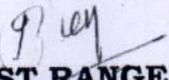
In view of the above, I along with concerned Section staff has physically inspected the said area on 02.02.2023. During my inspection the area fall in western side of Nethakuppam villages in unreserved Forests, and the proposed area is 60 meters distance to Dornakambala Reserve Forests. A xerox copy of map is enclosed here with for further action. Hence the proposed area is not in Reserve Forests.

This is submitted for favour of information and request for necessary action.

Yours faithfully,


**FOREST RANGE OFFICER
TIRUPATI RANGE (FAC)**

Copy Submitted to the Sub-Divisional Forest officer, Tirupati for favour of information and necessary action.


**FOREST RANGE OFFICER
TIRUPATI RANGE (FAC)**

T.O.
Tirupati.
sp

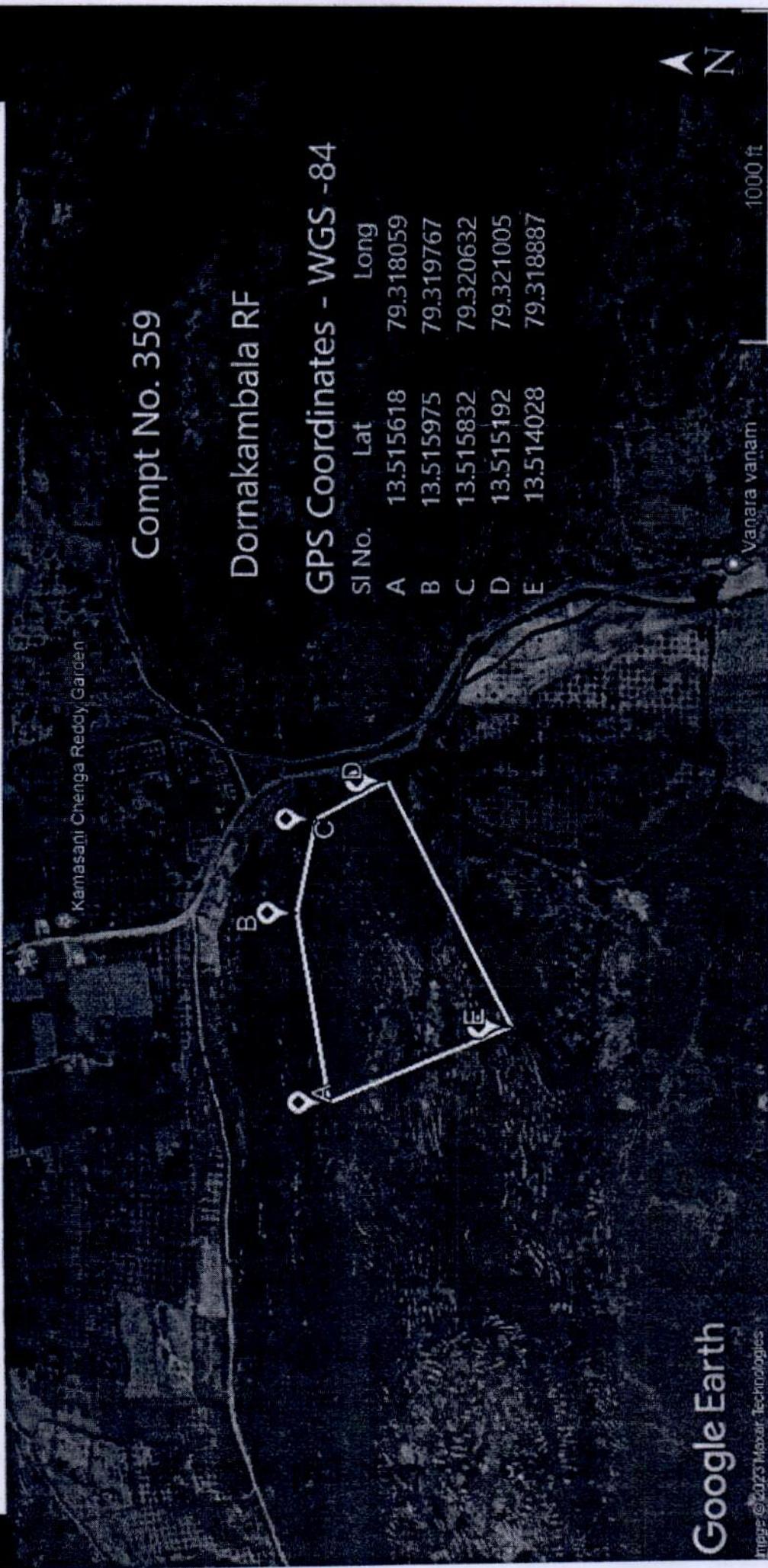
Map showing the Assignment of Government Land in Ramachandrapuram under Ex-Service Man Quota in Sy no. Gap area, Nethakuppam Village of Ramachandraouram Mandal of Tirupati Range.

Compt No. 359

Dornakambala RF

GPS Coordinates - WGS -84

SI No.	Lat	Long
A	13.515618	79.318059
B	13.515975	79.319767
C	13.515832	79.320632
D	13.515192	79.321005
E	13.514028	79.318887



Google Earth

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