

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

OA No 72 OF 2023

IN THE MATTER OF:

MR. LINGAREDDY SHOBHAN BABU

..... Applicant

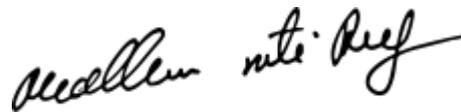
Vs

UNION OF INDIA AND 13 OTHERS

.... Respondents

REPORT FILED BY THE DISTRICT COLLECTOR R5

DATE- 31.07.2023



**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.

Mobile: 98407 98460 / 63831 21322,

Email: reddymadhuri09@gmail.com

Rc.C1/1646/2023

Collector's Office, Tirupati
Dated.31-07-2023

From
Sri K.Venkataramana Reddy,I.A.S.,
Collector and District Magistrate,
Tirupati district,
Andhra Pradesh state.

To
The Standing Counsel for AP,
National Green Tribunal,
Southern Zone.
Chennai

Sir,

Sub: O.A.No.72/2023 – Andhra Pradesh – Tirupati District – Tada Mandal – filed by Lingareddy Sobhan Babu with a prayer to direct the respondents to stop the illegal act of the 14th respondent and to restore the environmental damage caused the agricultural land in Pulivendra Village situated between road from National High Way 16 and Kalluru River/Pamula Kaluva bearing survey numbers 1 to 19 and 61 to 75 by removing the sand / gravel dumped in survey number 59 and 60 of Pulivendra Village – Para wise remarks submitted – Request to prepared draft counter-Reg.

Ref: 1. O.A.No.72/2023 filed by Lingareddy Sobhan Babu through his counsel, Dated.28-05-2023.before the National Green Tribunal, Chennai.
2.Report of the Tahsildar,Tada Rc.B.259/2022,Dt..28-07-2023.
3. Report of the Revenue Divisional Officer, Sullurpeta ref No. Rc.A1. 578/2023, dt:28.07.2023.

-o0o-

I invite kind attention to the references cited, wherein one Sri Lingareddy Sobhan Babu S/o Ramachandra Reddy, resident of Pulivendra Village, Tada Mandal, Tirupati District,Andhra Pradesh State has filed this O.A. before the National Green Tribunal, Southern Zone at Chennai with a prayer to i) direct the respondents to stop the illegal act of the 14th respondent and to restore the environmental damage caused the agricultural land in Pulivendra Village. ii) direct the official respondents to access the damage cause to the agriculture land

in Pulivendra Village situated in survey No.1 to 19 to 61 to 75 of Pulivendra Village and compensate the applicant and other farmers. iii) direct the official respondents to take action on the 4th respondent for causing damage to the environment and to agriculture lands in survey number 1 to 19 to 61 to 75 of Pulivendra Village.

I have gone through the contents raised in the application, verified the records, obtained information from the concerned department basing on it prepared the parawise remarks are as follows.

The brief averment of the petitioner Lingareddy Sobhan Babu is that M/s V.G.A. Home Promoters Private Limited 14th respondent herein formed unauthorised layout in survey number 59 and 60 of Pulivendra Village by raising the land to the height of 20 feet equalant to the level of high way by filling the land by carting the earth, there by disturbing natural flow of the Kaleru River (Pamula Kaluva) and preventing heavy flow during the rainy season into Kalangi River to join the sea resulting in the submersion of the Kadaluru Village, Kattuva Village , Vendlurupadu etc., distroying crops, agriculature lands as well as the lovely hood of the Villagers and finally requested to take action on this matter.

Para No.1 : In reply to Para 1 It is submit that the applicant is not having agriculture land in any one survey number 1 to 19 of Pulivendra

Village. It is also not fact that the applicant cultivating paddy crop and he is not dependent on yield from land in survey number 1 to 19 .

Para No.2 to 5 : In reply to paras 2 to 5 it is submitted that an extent of Acs.7.60 cents in survey number 59 an extent of Acs.6.09 cents in survey number 60 is classified as patta lands as per the Fair Land Register of the Village the name of Alluru Vijaya Kumar Reddy and others have recorded as a pattadar and enjoyers in the webland adangal Sri N.Arunachalam and 5 other directors of V.G.A.Home Promoters Private Limited have purchased the above subject matter land from the pattadars vide register document No.1349/2007, Dated: 20-04-2007 and 1359/2007,Dated.20-04-2007. The Superintendent Engineer, Irrigation Circle,Nellore has issued permission to lift of useful soil from Tank of Kamsimkhan Kandriga in Tada Mandal to fill the lowlying agricultature land vide proceedings No.DB/ATO-3/Earth permission/177/NS,Dated.14-06-2022. The purchasers have applied for permission to the Project Director, National High Way Authority of India, PIU-Nellore for grant of No Objection Certificate and access permission to private property situated in survey number 59 and 60 of Pulivendra Village duly remitting the process fee. The said company leveling the lowlying patta land located in survey number 59 and 60 of Pulivendra Village. Tada Mandal , Tirupati District, Andhra Pradesh upto 9 feet.

Para No.6 : No remarks

Para No.7 and 8 :In reply to para 7 and 8, it is submitted that Sri N.Arunachalam and 5 other directors of V.G.A.Home Promoters Private Limited have purchased the above subject matter land from the pattadars vide register document No.1349/2007, Dated.20-04-2007 and 1359/2007, Dated.20-04-2007. The Superintendent Engineer, Irrigation Circle,Nellore has issued permission to lift of useful soil from Tank of Kamsimkhan Kandriga in Tada Mandal to fill the low lying agriculture land vide order No.DB/ATO-3/Earth permission /177/NS, Dated.14-06-2022. The purchasers have applied for permission to the Project Director, National High Way authority of India,PIU- Nellore for grant of No Objection Certificate and access permission to private property situated in survey number 59 and 60 of Pulivendra Village duly remitting the process fee. The said company leveling the low lying patta land located in survey number 59 and 60 of Pulivendra Village. The 14th respondent level the land with soil up to 9 feets only but not 20 feets as reported by the Tahsildar, Tada. Generally the sarroundings of the lands will inundated due to overflow of the Pamula Kaluva during heavy rains. The stagnated water gradually reduced with in 1 or 2 days.

Para No. 9 : In reply to this para 9 it is submitted that on issueing the notice on 08.06.2023 to the 14th respondent, the 14th respondent submitted a reply dated.10-06-2023 to Tahsildar, Tada stated that they have purchased an extent of Acs.14.20 cents in survey 59 and 60 of Pulivendra Village , Tada Mandal, Tirupati District for agriculture

purpose. During the rainy seasons their crops are getting damaged and heavy loss due to floods and hence, they filled the said land with river mud duly getting permission from the related department authorities and finally stated that they filled the field with river mud for agriculture purpose only, not to do any other commercial activities.

Para No.10 : In reply to this para 10 on legal notice issued by the Mr. Jada Muniraja and another on behalf farmers, the 6th respondent herein submitted a report vide Rc.B.259/2022, Dated.08-08-2022 by narrating the facts.

Para No.11 : In reply to this para 11 it is submitted that on legal notice issued by Sri C.Chakravarthi, Advocate , the then Tahsildar, Tada informed to the Advocate vide Rc.B.259/2022, Dated.24-05-2022 by narrating the facts that the subject matter land in Sy.No. 59 and 60 of Pulivendra village, Tada mandal are agricultural lands and in nature of the same is not converted into non agriculture purpose.

Para No.12 to 14 : No remarks

Para No.15 and 16 : In reply to this para 15 and 16 it is submitted that as per the report of the Tahsildar, Tada th 14th respondent not converted the agriculture land in to non-agriculture. The 14th respondent filled the soil up to 9 feet only at present there is no layout on ground and also any other constructions.

Para No. 17 to 20 : In reply to this para 17 to 20 . I submit that the Tahsildar, Tada conducted an enquiry in Pulivendra, Kadaluru and Vendlurupadu Villages and discussed about the leveling of the land in survey number 59 and 60 of Pulivendra Village and disturbing the natural flow of water at rainy season and also destroying the crops agriculture lands as well as the livelihood of the Villagers. The Villagers have stated that the Pamula Kaluva passes abutting to their Villages. Due to leveling the land in survey number 59 and 60, their agriculture lands are submerged in rainy season due to heavy floods. Previously they stopped the levelling work, at present they leveled up to 13 feet by dumping the sand and finally requested to do justice in the matter. Soon after receipt of the copy of O.A.No.72/2023 filed before the National Green Tribunal, Southern Zone at Chennai the Tahsildar, Tada addressed a letter to the Irrigation Department, Pachayat Raj Department, Mandal Parishad Development Officer, Tada with request to take appropriate action in the matter. He inspected the land on 07-06-2023 in survey number 59 and 60 of Pulivendra Village along with field staff. The land in survey number 59 and 60 located towards the eastern side of the NH-16. There is a Pamula Kaluva towards the northern side of the land levelled, the land in survey number 1 to 19 located towards the western side of the N.H-16. The lands in survey number 61 to 75 situated towards the eastern side of the N.H-16. The N.H-16 divided the survey number 1 to 19 and 61 to 75. The land is levelled upto 9 feet. The land is vacant on ground and no layouts

formed there on the subject matter land. There are no constructions on the land in survey number 59 and 60. The Pamula Kaluva located towards the northern side of the lands in survey number 1 to 19 and 61 to 75 and 59, 60. And all these extents will submerge in rainy season due to overflow of Pamula Kaluva. The agriculture lands inundated during the rainy season for 2 to 3 days. Even though, if the land in survey number 59 and 60 not levelled, the land in survey number 1 to 19, 61 to 75 submerge in rainy season due to occurring of heavy floods in Pamula Kaluva.

Para No. 21 to 24 : In reply to para 21 to 24 it is submit that a notice has been issued by the Tahsildar, Tada to the Sri N.Arunachalam and 5 other directors of V.G.A. Home Promoters Private Limited to submit a written explanation. The Tahsildar, Tada reported that the 14th respondent submitted explanation stated that they have purchased an extent of Acs.14.20 cents in survey number 59 and 60 of Pulivendra Village, Tada Mandal, Tirupati District for doing agriculture. During the rainy seasons their crops are getting damaged and heavy loss occur due to heavy floods and hence they filled the said land with river mud after getting the permission from concerned department authorities. And finally stated that they filled the river mud for agriculture purpose only and not to take up any other commercial activities.

It is submitted that as seen from the records the land in survey number 59 and 60 is purely patta lands as per the Village

records. The 14th respondent purchased this land through register sale deed during the year 2007. As per the report of the Tahsildar, Tada, the land in survey number 59 and 60 not converted from agriculture land to non-agriculture land, the 14th respondent not laying any layout on the subject matter land. And the 14th respondent filled the soil upto 9 feet and it is only for agriculture purpose but not commercial purpose. During the heavy rains / Cyclones the Pamula Kaluva overflow due to heavy floods there by the sarrounding land Pamula Kaluva inundate for 2 or 3 days after the floods, the water reduce as usual. Hence the O.A. No.72/2023 liable for dismissal as there are no valid grounds in filing this O.A. before the Hon'ble National Green Tribunal.

For the reasons stated above I humbly pray the Hon'ble National Green Tribunal to dismiss this O.A. No. 72/2023 as there are no sustainable grounds in it and pass such other order or orders which deem fit in the interst of jutice and circumstances of the case.

I request that draft counter may kindly be prepared for filing fair counter before the Hon'ble Court.

Yours faithfully,


District Collector
Tirupati District.


31/7/23
DAD