

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH AT
NEW DELHI

OA No 641 OF 2024

IN THE MATTER OF:

NEWS ITEM TITLED "CHUNK OF INDIA, S FORESTS, MISSING, AFTER 27-
YEAR-DELAY TO FILE REPORTS ANALYSIS" APPEARING IN THE HINDU
DATED 28.04.2024

..... Applicant

Vs

SPECIAL CHIEF SECRETARY, ENVIRONMENT, FOREST, SCIENCE AND
TECHNOLOGY DEPARTMENT ANDHRA PRADESH, VELAGAPUDI & OTHERS

.... Respondents

REPORT FILED BY THE PCCF RESPONDENT NO 3

DATE - 06.11.2024



**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.

Mobile: 98407 98460 / 63831 21322,
Email: reddymadhuri09@gmail.com

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH AT
NEW DELHI**

ORIGINAL APPLICATION No.641 of 2024

IN THE MATTER OF:

SUO MOTO.

.....APPLICANT

VERSUS

SPECIAL CHIEF SECRETARY, ENVIRONMENT, FOREST, SCIENCE AND
TECHNOLOGY DEPARTMENT ANDHRA PRADESH, VELAGAPUDI.

3rd RESPONDENT

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Report on the Hon'ble NGT Notice of hearing in Original Application No. 641 of 2024 (PB) in response to the News item titled "Chunk of India's forests, missing, after 27-year-delay to file reports Analysis" appearing in The Hindu dated 28.04.2024.

It is to submit that the Hon'ble NGT, New Delhi issued a notice of hearing in Suo-Motu matter in OA No. 641 of 2024 vide order dated 31.07.2024 in response to the news item titled "Chunk of India's forests, missing, after 27-year-delay to file reports Analysis" appearing in The Hindu dated 28.04.2024.

In this regard,

1) It is submitted that, the Hon'ble Supreme Court of India in W.P.NO.202/95 dt.12.12.1996 have issued the following order;

".... The term "forest land" occurring in Section 2 of Forest (Conservation) Act, 1980, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government records irrespective of its ownership. This is how it has to be understood for the purpose of Section-2 of the Act. The provisions enacted in the Forest (Conservation) Act, 1980 for the conservation of forests, and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof..."

2) In the said order, the Hon'ble Supreme Court of India had directed that each State Government should constitute within one month an expert Committee to;

- i. identify areas which are "forests" irrespective of whether they are so notified, recognized or classified under any law, and irrespective of the ownership of the land of such forest
- ii. identify area which were earlier forests but stand degraded, denuded and cleared; and
- iii. identify areas covered by plantation tree belonging to the Government and those belonging to private persons".

3) It is submitted that, in compliance with the above orders of Hon'ble Supreme Court of India, the Government of Andhra Pradesh vide G.O.Ms.No.1, EFS&T (For.I) Dept., dt.10.01.1997 had constituted a committee consisting of Seven Members. The Committee submitted report to the Government in PCCF, AP, Hyderabad D.O Lr.No.62771/96-F3, dt.27.12.1997(**copy enclosed**) explaining the criteria to be adopted for identification of Deemed Forest and requested the Government to consider and issue orders keeping in view of the recommendation made by the Committee. The above expert committee report has been brought to the notice of Hon'ble Supreme Court of India through an affidavit on 26.02.1997.

4) It is further submitted that, Hon'ble Supreme Court of India, on 06.07.2011 in I.A.no.1868/2017 filed by M/s Lafarge Umiam Mining Private Limited, in W.P(Civil) no.202 of 1995 have issued guidelines inter-alia including the direction that each State/UT Government, needs to complete the exercise to identify the areas which are "forests" irrespective of whether they are so notified, recognized or classified under any law, and irrespective of the land of such "forest" and areas which were earlier "forests" but stand degraded, denuded and cleared. The exercise, as per the guidelines issued by the Hon'ble Court, should culminate in preparation of geo-referenced map, indicating the location and boundary of each plot of land that may be defined as "forest" for the purpose of Forest (Conservation) Act,1980 for each district in the Country.

5) The CCLA, A.P, Hyderabad in D.O Ir.no.Assn.(1)/B1/2161/2012, dt.11.02.2015 (**copy enclosed**) based on the reports received from District Collectors, furnished the information, district-wise, of deemed forest land to the Principal Secretary to Government, EFS&T Department, Andhra Pradesh.

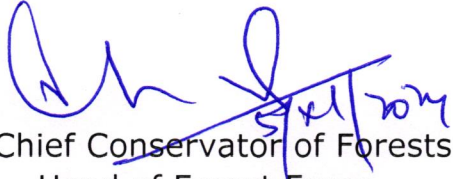
S.no.	Name of the District	Extent in acres/ cts
1	Srikakulam	4055.20
2	Vizianagaram	16320.09
3	Visakhapatnam	5878.12
4	East Godavari	5872.45

5	West Godavari	53444.19
6	Krishna	28438.38
7	Guntur	5810.90
8	Prakasham	26506.14
9	SPSR Nellore	9666.15
10	YSR Kadapa	256729.17
11	Kurnool	164763.86
12	Chittoor	723378.52
13	Ananthapur	287373.84
	Total:	15,88,237.01

6) The issue of the criteria to be followed for identification & notification of deemed forests as per the orders of Hon'ble Supreme Court of India is not yet finalized at the State Government level.

7) In compliance to the Interim order dated 19.02.2024 passed by the Hon'ble Supreme Court in the W.P. No. 1164/2023, in the matter of Shri Ashok Kumar Sharma Vs Union of India that, the PCCF & HoFF vide Rc.No EFS02-22021/6/2024-WLR1, dated 17/04/24 submitted to the MOEF&CC the particulars furnished to determine Deemed Forests by Chief Commissioner of land Administration **(Copy Enclosed)**. Also, the report of the Expert Committee constituted to define the criteria assessing the extent of deemed forests in Andhra Pradesh has been submitted to the State Government. The orders of the State Government are awaited.

Hence, in view of the above circumstances, we therefore request this Hon'ble Tribunal to consider the above report as per law and take these facts into consideration and pass orders in O.A.No. 641 of 2024 accordingly and thus render justice.


Pr. Chief Conservator of Forests &
Head of Forest Force

NGT CASE
OA No.641/2024

7045

GOVERNMENT OF ANDHRA PRADESH
ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Sec.II) DEPARTMENT

Memo No.1713/Sec.II/2024/2539977,

Dated 31.08.2024

Sub: Notice in Original Application No.641 of 2024 – News Item titled “Chuck of India’s forests, missing, after 27-year-delay to file reports Analysis” appearing in “the Hindu” dated 28.04.2024 – Instructions issued - Reg.

Ref: Notice dated 12.08.2024 and orders dated 31.07.2024 in OA No.641/2024 before the Hon'ble NGT, PB, New Delhi received with Email dated 20.08.2024.

A copy of the reference cited is sent herewith to the Principal Chief Conservator of Forests & HoFF, A.P., Mangalagiri and he is informed that the Hon'ble NGT, New Delhi given notice in OA No.641 of 2024 based on the News Item titled “Chuck of India’s forests, missing, after 27-year-delay to file reports Analysis” appearing in “the Hindu” dated 28.04.2024, for filing response within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF as the **above OA is listed for further hearing before the Hon'ble NGT on 11.11.2024.**

2. He is, therefore, requested to file response in the above OA through e-mail i.e.judicial-ngt@gov.in on or before 11.11.2024, so as to avoid further legal complications in the matter at a later stage.

S. SRI SARAVANAN
SPECIAL SECRETARY TO GOVERNMENT

To
The Principal Chief Conservator of Forests & HoFF,
A.P., Mangalagiri (w.e.)

//FORWARDED :: BY ORDER//

SECTION OFFICER

D.O. Rc. No. 62771/96/F3, Dt. 27-12-1997

Dear Sir,

Sub:- Supreme Court of India direction in WB(Civil No. 171 of 96 - Constitution of expert committee on forest etc. - final report submitted - Regarding.

Ref:- 1. G.O. ms. No.1 EFS&T (For-I) Department. dt.10-1-1997.
2. D.O. Rc. No. 62771/96/F3, dt. 10-2-1997, 8-8-1997.

With reference to the above the final report of the expert committee constituted under G.O. Ms. No. 1, EFS&T (For-I) Department dt. 10-1-1997 is submitted herewith. It is further submitted that the committee members were directed to go into various important aspects of identification of --

1. Areas which are 'forest' irrespective of whether they are so notified, recommended are classified under any law and irrespective of ownership of the land of such forest.
2. Areas which were earlier forest but stand degraded, denuded, or cleared and
3. Areas covered by plantations belonging to the Government or private persons

The first and Midterm reports of the committee were submitted in the reference 2. I have the honor of submitting herewith the final report of the committee.

With best regards,

Yours Sincerely,


(K.SUBBA RAO) 27/12

To
Dr. C.S. RANGACHARY, I.A.S.,
Spl. Chief Secretary, EFS&T,
Government of Andhra Pradesh,
Hyderabad - 500 004

3665024/2024/W LR -PCCF

ANIL CHANDRA PUNETHA, IAS.

Commissioner of Land Administration



Nampally Station Road,
Hyderabad - 500 001,
Telephone (O) : +91-40-23201371

Fax : 23205555

E-mail : ccla_rev@ap.gov.in

CCLA's DO Lr. No. Assn.I(1)/B1/2161/2012, Dated: 11-02-2015

Dear

Sub:- Orders of Hon'ble Supreme Court of India dated:12-12-1996 in W.P.No.202/95 – Meeting convened by the Spl.CS, EFS&T Dept. on 05-09-2012 to Determine deemed forest area – Minutes of the meeting communicated – Specific remarks / views – Report submitted - Reg.

- Ref:-
1. The Spl.CS to Govt., EFS&T Department, A.P., Hyderabad U.O.Note No.7513/FOR.I(1)/2011, dt:22-12-2012.
 2. CCLA's Ref.No.B1/2161/2012, Dated:25.10.2013 & 24.01.2015.
 - 3.Collr, Visakhapatnam Rc.No.F4/2707/2012, dt.19.07.2013.
 4. Collr, Ananthapuram Rc.No.E2/6072/2014, dt.29.01.2015.
 - 5.Collr, Srikakulam Rc.No.E1/947/2013, dt.06.02.2015.
 - 6.Collr, East Godavari Rc.No.F5/3766/2014, dt.07.02.2015.
 - 7.Collr, West Godavari Rc.No.F1/3542/2014, dt.09.02.2015.
 - 8.Collr, Prakasam Rc.No.E4/489/2015, dt.07.02.2015.
 - 9.Collr, Kadapa Rc.No.E6/1154/2013, dt.27.01.2015.
 - 10.Collr, Chittoor Rc.No.E8/8257/2012, dt.05.02.2015.
 - 11.Collr, SPS Nellore Rc.No.E11/3655/2014, dt.07.02.2015.
 - 12.Collr, Kurnool Rc.No.E2/1307/2013, dt.07.02.2015.
 - 13.Collr, Krishna Rc.No.E4/246/2014, dt.07.02.2015.
 - 14.Collr, Vizianagaram Rc.No.Nil dt.09.02.2015.
 - 15.Collr, Guntur Rc.No.Nil dt.09.02.2015.

I invite your attention to the reference 1st cited, the Govt. have communicated a copy of the **minutes** of the meeting held on 05-09-2012 by Spl.C.S. to Govt., EFS&T Dept. on the issue of "identification of deemed forest areas as per the directions of the Hon'ble Supreme Court of India".

In the reference 2nd cited a copy of the Minutes of the meeting held on 05-09-2012 by the Special Chief Secretary to Govt., EFS&T Dept. on the issue of "identification of deemed forest areas as per the directions of the Hon'ble Supreme Court of India" was communicated and the Collectors have been requested to offer their specific remarks / views in the matter, expeditiously.

In the reference 3rd to 15th cited, the Collectors in the State of Andhra Pradesh have submitted the reports in respect of Deemed Forest Lands.

Contd. . . 2.

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26.2.2015

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Statement showing the particulars "to determine deemed forest areas"

Sl. No.	Name of the District	Extent in Acs-Cts
1	2	3
1	Srikakulam	4055.20
2	Vizianagaram	16320.09
3	Visakhapatnam	5878.12
4	East Godavari	5872.45
5	West Godavari	53444.19
6	Krishna	28438.38
7	Guntur	5810.90
8	Prakasam	26506.14
9	SPSR Nellore	9666.15
10	YSR Kadapa	256729.17
11	Kurnool	164763.86
12	Chittoor	723378.52
13	Ananthapur	287373.84
	Total :	1588237.01

The report received from the District Collectors in the State, in compliance with the Orders of Hon'ble Supreme Court of India dated:12-12-1996 in W.P.No.202/95 is compiled in a statement, which is enclosed herewith for taking further action in the matter, as desired.

Yours sincerely,
Sd/-

(ANIL CHANDRA PUNETHA)

To,
Sri Ajay Kallam, IAS
Pr. Secretary (Environment, Forests,
Science & Technology)
AP Secretariat
HYDERABAD.

Copy to the Pr. Secretary (Revenue), AP Secretariat, Hyderabad.

Anil
(ANIL CHANDRA PUNETHA)

**GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT**

From: Sri Chiranjiv Choudhary, I.F.S.,
Prl. Chief Conservator of
Forests &
Head of Forest Force
Aranyana Bhavan,
A.P., Mangalagiri.

To: Sri Charan Jeet Singh,
Scientist -D,
MoEF, & CC, (FC Division), Aliganj, Jor Bagh Road, New Delhi
- 110003.

Rc.No. EFS02-22021/6/2024-WLR-1, Dt.17/04/2024 .

Sir,

Sub: APFD- Interim order dated 19.02.2024 passed by the Hon'ble Supreme Court in the W.P .(C) No.1164/2023 in the matter of Shri Ashok Kumar Sharma vs. Union on India and other connected matters - Reg.

Ref: Gol MoEF & CC (FC Division) dt.02.03.2024.

With ref to the subject and reference cited, it is to inform that Chief Commissioner of Land Administration, Govt. of Andhra Pradesh has furnished the following particulars to determine the deemed forest areas in the erstwhile districts of Andhra Pradesh during 2015. The district wise details are as under.

Statement showing the particulars

S.No.	Name of the District (Erstwhile)	Extent(in Acres-Cents)	Converted to Hectares (1 Ha.= 2.47 Acres)
1	Srikakulam	4055.2	1641.78
2	Vizianagaram	16320.09	6607.32
3	Visakhapatnam	5878.12	2379.81
4	East Godavari	5872.45	2377.51
5	West Godavari	53444.19	21637.32
6	Krishna	28438.38	11513.51
7	Guntur	5810.9	2352.59
8	Prakasam	26506.14	10731.23
9	SPSR Nellore	9666.15	3913.42
10	YSR Kadapa	256729.17	103938.94
11	Kurnool	164763.86	66706.02
12	Chittoor	723378.52	292865.80
13	Ananthapur	287373.84	116345.68
	Total (State of Andhra Pradesh)	15,88,237.84	6,43,011.27

It is to further inform that the this office vide D.O. Rc.No.62771/96/F3 dated 27-12-1997 has submitted the report of the "Expert Committee" constituted to define the criteria for assessing the extent of deemed forests in Andhra Pradesh to the State Government. However, the orders of the State Govt is awaited.

Yours faithfully,

Chiranjiv Choudhary Ifs

Prl. Chief Conservator of Forests &
Head of Forest Force

Copy to the Spl. Chief Secretary to the Government, EFS & T Department, A.P.,
Secretariat, Amaravati for favour of information.