

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No. 09 of 2023 (SZ)
And
Execution Application No. 02 of 2023(SZ)
(Through Video Conference)

IN THE MATTER OF

1. Forum for Social Justice & Anti-Corruption (NGO),

Rep, by its General Secretary,
Door No. 58-14-87/2B, Mairipalem,
Vuda Colony, Visakhapatnam- 530018.

...Applicant(s)

Versus

1. State of Andhra Pradesh,

Rep by its Chief Secretary,
Department of General Administration,
Building No.1, I Floor, Interim Government Complex,
Secretariat, Velagapudi, Guntur, Andhra Pradesh.

2. Collector,

Srikakulam District,
O/o Collectorate, Srikakulam.

...Respondent(s)

For Applicant(s): Mr. D.V. Rao,

For Respondent(s): Ms. Madhuri Donti Reddy for R1 and R2.

Judgment Reserved on: 8th May, 2023.

Judgment Pronounced on: 25th May, 2023.

CORAM:

HON'BLE SMT. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. The above Original Application was filed by the applicant seeking a direction to the State of Andhra Pradesh and the District Collector, Srikakulam to take action against the authorities who are acting in the interest of grabbers by allowing constructions of private buildings in Sy. No. 360 of Kummarigunta Village, in Sy. No. 452-2

of Thogiri Revenue Village by cutting 10 numbers of trees which were more than 150 years old in Ralla Gutta in Saravakota Mandal, Srikakulam District in Andhra Pradesh in the name of construction of Anganwadi building.

2. In the said application, this Tribunal has directed the District Collector, Srikakulam, who is the authority concerned, to enquire into the matter after affording an opportunity of hearing to the applicant, herein, and pass orders considering the issue of cutting trees. The District Collector was directed to file its report within a period of 04 (four) weeks.
3. Pursuant to our order, the District Collector in his proceedings dated 21.02.2023 had appointed a Joint Committee to conduct a joint inspection and submit a report. The said Joint Committee had conducted a joint inspection along with the representatives of the applicant on 23.02.2023.
4. Regarding the alleged construction of private buildings in Sy. No. 360 of Kummarigunta Village, it is found that as per the revenue records i.e., SLR, RVM and FMBs, the same is actually constructed in Sy. No. 353. The Mandal surveyor conducted a survey to identify the boundaries of Sy. No. 360 which is classified as Konda Porambke as per SFA to the extent of Acre 123.47.
5. It was also alleged by the applicant that there is a cutting and polishing unit in Sy. No. 360 but during inspection, the unit was found to be in Sy. No. 353 i.e. 353-3 and 353-4 of Kummarigunta Revenue Village. Therefore, the joint committee had reported that

the owner Sri Varudu Devi Prasad is having pattadar passbook for the land and also got the Nala conversion proceedings on 15.09.2014 from the Revenue Divisional Officer, Palakonda for that land.

6. The allegation qua cutting of Tamarind Trees which were about 150 years old for the construction of anganwadi building the joint committee has found that 04 numbers of Tamarind Trees were cut. The trees were very old and they were about to fall due to the damage caused during cyclone. It was observed that the foundations were laid down for the above said anganwadi leaving a clear space of 04 feet from the outside columns to the nearest tree. 18 numbers of tree tax pattas have been given to 04 members of Aludu Village of Saravakota on 28.03.1988 by Mandal Revenue Officer (MRO), Saravakota. It is stated that the trees were cut down by the local villagers without any permission to facilitate the way or path with the consent of the tree patta holders. Therefore, it is stated that excepting for 04 trees cut, for the rest of the trees consent for cutting were obtained from the persons concerned. For the said 04 trees no permission was given by the local authorities.

7. In the report the finding is given that out of 18 trees, 07 trees fell down during the Titli and Hud-Hud Cyclone and 07 trees are standing on ground and the remaining 04 trees are situated in the premises adjacent to the proposed anganwadi which were cut down by the local villagers with the consent of the tree patta holders. However, admittedly no permission was given by the local authorities to cut down the trees.

8. Regarding the classification of the tank bed lands, the finding of the joint committee is that Sy. No. 452-2 with an extent of 2.73 acres of Thogiri Village of Saravakota Mandal is classified as Taram Kattani (unassessed waste) and Ralla Gutta, which is a Government Poramboke land. Out of which an extent of 0.03 acres is proposed for construction of Anganwadi Center for Aludu Village of Saravakota Mandal and no trees existed in the proposed site and no deforestation as alleged by the applicant and hence it is an unobjectionable Government land.
9. It is further reported by the joint committee that the Tahsildar, Saravakota was directed to take necessary action to create awareness in the people on the implementation of Andhra Pradesh, Water, Land and Trees Act, 2002 (APWALTA, 2002) for planting the trees for ecological balance.
10. As this Tribunal was not satisfied with the said report of the joint committee, a further report was called for. Pursuant to which the District Collector, Srikakulam has filed the report. The further report of the District Collector states that as per the direction issued by the District Collector, Srikakulam awareness programme and rally on APWALTA, 2002 was conducted in Aludu Village of Saravakota Mandal. As per APWALTA, 2002, notice has been given to the MRO, Saravakota and VRO, Aludu to identify the persons who are involved in cutting of the 04 tamarind trees nearby the site which is allotted for construction of anganwadi in Sy. No. 452-2 classified as Ralla Gutta.

11. Upon enquiry, it was found that one Mr. Sri Kalingapatnam Gopal, s/o Gurayya has cut down the 04 tamarind trees nearby the site which was allotted for construction of Anganwadi which is classified as Ralla Gutta. Notice has been issued to the said person on 01.05.2023 calling for explanation. The said Kalingapatnam Gopal also explained stating that Government sanctioned tree tax pattas for 09 trees to his father Gurayya and for 03 trees in his favour were given in the year 1988 i.e. on 28.03.1988. These trees have thin foliage as they were damaged during Titli cyclone and were very old. The trees were falling across the way and touching the electrical line and obstructing the people to walk on the pathway and it is on the request of the villagers the trees were cut down without taking permission of the Tahsildar or from the Forest Department. As he was ignorant of the APWALTA, 2022 and also the trees were cut only for public purpose. He has sought for an apology for the offence committed.

12. In view of the fact that the said Kalingapatnam Gopal admitted the offence committee, the notice was issued to him on 06.05.2023 stating that cutting of trees by villagers is an offence as per APWALTA, 2002 and a sum of Rs. 5,000 for each of the tree cut was levied. Accordingly, he has also deposited Rs. 20,000 on 06.05.2023 of Aludu Village of Saravakota. Further, the said individual has planted 40 plants in Sy. No. 452-2 of Aludu Village of Saravakota Mandal.

13. The applicant has objected to the action of the officials contenting that tendering apology and giving an undertaking only would amount to admission and authority cannot be allowed to do so. His

objections are recorded. As per APWALTA, 2002 the wrong doer is penalised and also for each of the tree cut, he was directed to plant 10 trees for each of the tree cut.

14. In view of the fact that in the State of Andhra Pradesh, APWALTA, 2002 is in force, the officials should be aware of the same and strictly enforce the same and should not have given a chance to the private individuals to approach this Tribunal for the violations of the same. The State officials are strictly directed to ensure that no such offences are committed in future.

15. In view of the compliance in O.A. No. 09 of 2023, the application is dismissed.

16. Consequently, in view of the dismissal of the original application, Execution Application No. 02 of 2023 is also dismissed.

.....J.M.
(Smt. Justice Pushpa Sathyanarayana)

.....E.M.
(Dr. Satyagopal Korlapati)
Internet – Yes/No
All India NGT Reporter – Yes/No

O.A. No.09/2023(SZ)&
E.A. No.02/2023(SZ)
25th May, 2023. (AM)

**Before the National Green
Tribunal
Southern Zone (Chennai)**

**O.A. No. 09 of 2023(SZ)
and
E.A. No. 02 of 2023**



Forum for social justice and
Anti-Corruption (NGO)

Vs.

State of Andhra Pradesh and
Ors.

O.A. No. 09/2023(SZ) &
E.A. No. 02/2023(SZ)
25th May, 2023. (AM)

NGT