

Item No.1 (i) & (ii):-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Tuesday, the 08th day of July 2025.

[Through Physical Hearing (Hybrid Option)]

**Original Application No.92 of 2020 (SZ)
AND
Execution Application No.03 of 2023 (SZ)**

IN THE MATTER OF

Gareeb Guide (NGO)

Rep. by its President,
7/41, Bahar, Sahara States,
Mansoorabad,
Hyderabad – 500 068.

...Applicant(s)

Versus

1) The State of Andhra Pradesh

Rep. by its Chief Secretary to Govt.,
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): Mrs. Madhuri Donti Reddy for R1 & R2.

Judgment Reserved on: 02nd June, 2025.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

COMMON JUDGEMENT

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. Both the above-captioned Original Application and Execution Application have been filed by Gareeb Guide (NGO), represented by its President, highlighting grave environmental concerns arising from the unauthorized occupation and conversion of '**Kakarla Pond**', located in Survey No.59 of Chinnadugam Village, Jalumuru Mandal, Srikakulam District, Andhra Pradesh.

2. It is alleged in the Original Application that despite the land being classified as '*Government poramboke*' (tank), various unauthorized developments such as the construction of a school, panchayat office, temporary houses, and illegal cultivation have been permitted by the District Collector, Srikakulam District (Respondent No.2).

3. The Applicant has relied upon the report of the Tahsildar (vide R.C. No.197/2020, dated 07.05.2020), which states that the original tank has disappeared as a result of the encroachments. Further, the actions violate G.O. Ms. No.571 dated 14.09.2012, which prohibits alienation or reclassification of tank bed lands. Despite media reports highlighting the issue, no remedial action has been taken.

4. The Applicant also relied upon judicial precedents of the Hon'ble Supreme Court and Hon'ble High Court orders, which mandate the protection of water bodies and penal action against defaulting officials.

5. The Applicant further stated that the continued inaction of the authorities and the encroachments pose a substantial environmental question affecting the local ecosystem and the community at large. If not addressed, the damage to the environment will be irreversible.

6. Hence, the Applicant seeks directions from this Tribunal for legal action against authorities who facilitated illegal encroachments in Kakarla Pond (Sy. No.59), removal of

unauthorized structures such as schools, shops, and houses, and restoration of the pond to its original condition.

7. While issuing notices to the respondents, this Tribunal constituted a Joint Committee, vide Order dated **02.07.2020**, to ascertain the genuineness of the allegations made in the application, comprising **(i)** a Senior Officer from the Ministry of Environment, Forests and Climate Change (MoEF&CC), Regional Office, Chennai, **(ii)** a Senior Officer from the Lake Protection Committee, Hyderabad and **(iii)** the District Collector, Srikakulam. Further, the Committee was directed to inspect the site, verify the revenue records to ascertain the existence, nature, and historical use of the pond in the subject area, determine the onset of encroachments, and examine the steps taken by the State authorities to remove such encroachments and protect the water body, and to submit a factual as well as action taken report in case of any violations found.

8. Upon notice, the respondents entered appearance through the standing counsel and both parties filed their respective pleadings.

9. The **Joint Committee**, appointed by this Tribunal, has filed a **report on 01.02.2021**, wherein it is stated that a joint inspection was conducted on 20.01.2021 at the site of *Kakarla Pond* (Sy. No. 59) by officials from the Revenue Department, Andhra Pradesh Pollution Control Board (**APPCB**), Irrigation Department, and other relevant authorities. As per revenue records (Settlement Fair Adangal, FMB, and VA No.3), the land measures **12.75 Acres** and is classified as government poramboke tank land ("*Kakarlavani Tank*"). However, there is no visible tank structure on the ground.

10. With respect to encroachments and occupation, it is stated that 89 families are residing in the area; 32 possess valid house site pattas issued since 1988, while pattas for the remaining 57 are reportedly misplaced. 39 individuals are engaged in agricultural activity, occupying 7.24 Acres. Permanent structures observed include a school, panchayat office, housing colony, temple stage, and a CC road.

11. The report further states that the tank has been abandoned since the formation of the *Narasannapeta Branch Canal* in 1978 under the *Vamsadhara Project*. It has no ayacut, is not a percolation tank, and does not contribute to drinking water recharge. During the inspection, the officials observed that the pond is defunct and abandoned; encroachments are significant, with both residential and agricultural activities occupying the tank bed land; and the area is now developed, with no physical presence of a tank.

12. It is further stated in the report that as per the Govt. Memo dated 08.02.1999, relaxation of the ban on alienation of tank bed lands is permitted only in limited public interest cases where tanks are defunct or serve no useful purpose. Based on this, officials recommend regularizing house sites, while initiating eviction proceedings for agricultural encroachments. Finally, it is stated that the Tahsildar, Sub-Collector, and Panchayat officials have been instructed to proceed with the eviction of unauthorized agricultural occupation as per government norms.

13. It is noted from the record that, since the constitution of the Joint Committee, there has been a recurring cycle of events, in which the applicant has persistently filed objections and memos to the reports submitted by the Joint Committee and the District Collector, Srikakulam District, prompting corresponding responses from the authorities. Nevertheless, the action taken reports submitted by the District Collector, along with the objections raised by the Applicant, have been duly examined, and the key aspects of the same are set out below.

14. The **District Collector, Srikakulam (Respondent No.2)**, through a series of **action taken reports**, has detailed the steps undertaken in compliance with the directions of this Tribunal and the Hon'ble High Court.

14.1 In the report dated **05.07.2022**, it was stated that the applicant's alleged representation seeking allotment of 10 Acres under G.O. Ms. No. 571 was never received, and reiterated that Sy. No. 59 is classified as "Kakarla Pond," a tank poramboke, and hence ineligible for alienation.

Pursuant to the Tribunal's directions, proceedings were issued addressing the applicant's objections, and agricultural encroachments over 7.68 Acres were evicted, with caution boards erected. An unauthorized compound wall constructed by an Anganwadi worker was also demolished.

14.2 In the subsequent report dated **02.08.2022**, it was further clarified that the compound wall construction of the MPPE School had been stopped in 2020, and that the remaining public utility structures spread over 5.07 Acres were referred to the Chief Commissioner of Land Administration for further directions. It was noted that Sy. Nos. 59 and 48/1 are separate tanks, both lacking tank-like features, and there are no functional inlet or outlet canals.

14.3 In the report dated **16.04.2023**, the Collector reiterated that apart from the cleared agricultural encroachments, no new unauthorized construction was allowed, and the tank remains defunct with non-functional inlets and outlets.

14.4 In the report dated **29.08.2023**, the Collector submitted that joint inspections were conducted and reiterated that restoration is unfeasible due to the altered topography and presence of long-standing public structures. The Joint Committee's findings indicated that only 2.45 Acres remain as tank bed, and relocation of 108 permanent structures was not viable due to socio-cultural and practical constraints.

14.5 In the report dated **10.11.2024**, further details were provided, including confirmation that three inlet channels are functional and unobstructed, while agricultural encroachments persisted in both Sy. Nos. 59 and 48/1. Status quo orders issued by the Hon'ble High Court in pending writ petitions were noted, and it was stated that final eviction of agricultural encroachments would be undertaken with police protection.

14.6 Finally, in the report dated **31.12.2024**, it was confirmed that a joint inspection was conducted, agricultural encroachments were cleared, and permanent structures were identified. Despite re-encroachments in violation of court orders, preventive measures were assured, and

restoration efforts were sought only for areas free from permanent constructions.

15. Similarly, the **Applicant**, through a series of **objections**, has consistently raised concerns regarding the disproportionate application of G.O. Ms. No. 571 and the ongoing environmental degradation of Kakarla Pond, classified in Sy. Nos. 59 and 48 of Chinnadugam Village.

15.1 In the objection dated **13.11.2021**, the applicant contended that the rejection of their request for allotment of 10 Acres under G.O. 571 was arbitrary, especially when similar allotments were made to institutions like KIMS Hospital and LV Prasad Eye Institute. Alleging discrimination, the applicant claimed to have spent Rs.24.43 lakhs on land development and temple maintenance, and questioned the selective eviction of only agricultural encroachments while leaving long-standing public structures intact.

15.2 In the objection dated **26.07.2022**, the applicant reiterated the contradictions in the application of G.O. 571, citing that while their request was denied citing the land's tank poramboke status, permanent structures such as BPL houses, an MPP School, roads, and a temple have been permitted on the same land. Reference was made to G.O. Ms. No. 446 dated 14.10.2016, which allowed alienation of hillock land for a Vedic University, arguing that a similar public purpose use should have been considered here.

15.3 The objection dated **19.09.2022** detailed the voluntary handover of Sri Naga Devatha Temple by a former Panchayat Secretary to the applicant NGO and highlighted the ongoing maintenance and investment made by the NGO. The applicant reiterated the inconsistency in administrative actions, alleging favouritism and failure to act against other encroachers who obstruct inlets and outlets of the pond.

15.4 In the objection dated **06.09.2023**, the applicant accused the authorities of ignoring Tribunal directions by allowing further developments within the pond, including the installation of electric poles using MP funds and sanctioning

Rs.11 lakhs under MGNREGA for a school compound wall. It was also alleged that the outlets of the pond are illegally used to irrigate private lands and that the pond continues to exist as per WRD records (MI Tank ID: MI024999), having a storage capacity of 0.45 M.Cft and good water quality.

15.5 In the objection dated **15.11.2024**, the applicant disputed claims of encroachment removal, citing photographic evidence of ongoing cultivation and illegal constructions, and pointed out that Rs.9.64 lakhs were spent under MGNREGA for renovation, contradicting the claim that the tank is defunct. The applicant alleged false reporting, non-compliance with both NGT and High Court orders, and contempt of court due to misleading affidavits and administrative inaction. The objections emphasized that continued illegal activities are affecting water flow, damaging ecological balance, and violating public rights, thereby warranting immediate restoration of the water body and strict legal enforcement.

16. During the pendency of the proceedings, vide Order dated **14.07.2022**, this Tribunal directed the District Collector, Srikakulam, to clear all encroachments, restore the inlet and outlet of the water body and file a compliance report. In response, the District Collector submitted a report; however, it failed to address the restoration of the inlet and outlet channels. The report merely stated that there is no visible tank structure on the ground and that there are no identifiable inlet or outlet canals, except for certain outlets located in zeroyathi lands - north of the Narasannapeta Branch Canal, which are currently being used for irrigation and remain free from encroachment. In view of this, vide Order dated **01.12.2022**, this Tribunal observed that being a pond, it may typically have inlets but not outlets, and the existence of an outlet would suggest it is a minor irrigation tank. The Tribunal accordingly reiterated its direction to the District Collector to remove the encroachments, restore the inlets, and file a detailed report along with relevant revenue records, including the D-Sketch and supporting photographs.

17. As the District Collector, Srikakulam District (Respondent No.2), had not fully complied with the directions issued by this Tribunal in its order dated 01.12.2022, the applicant filed **Execution Application No. 03 of 2023 (SZ)** under Section 25 (2) r/w Section 26 of the National Green Tribunal Act, 2010, contending that despite the Tribunal's clear direction to remove the encroachments and restore the inlets of the water body, Respondent No. 2 failed to take necessary action. Accordingly, the applicant sought enforcement of the said order and requested initiation of appropriate proceedings against the District Collector, Srikakulam District for non-compliance.

18. It is pertinent to note that Execution Application No. 03 of 2023 (SZ) has been filed specifically to enforce the directions issued by this Tribunal in the Original Application, particularly the order dated 01.12.2022. Pursuant to the said execution application, the District Collector, Srikakulam, submitted an action taken report. Given that the relief sought in the execution application is intrinsically linked to the directions issued in the Original Application, both matters are being considered together, as the outcome and findings in the Original Application will necessarily have a binding effect on the Execution Application.

19. Heard the learned counsel appearing for the applicant and the learned counsel appearing for the State of Andhra Pradesh and also perused the entire documents available on record.

20. The primordial submission of the Applicant is that Sy. Nos. 59 and 48 of Chinnadugam Village, classified as '*Kakarla Pond*', have been extensively encroached upon with unauthorized constructions such as residential houses, a school, panchayat office, and agricultural activities, in violation of G.O. Ms. No.571 dated 14.09.2012. It was argued that public funds were used to support these constructions, despite judicial directions to protect and restore the tank. Alleging discrimination, the learned counsel for the Applicant contended that their request for land allotment for public welfare was denied, whereas similar benefits were extended to other institutions.

21. The learned counsel for the Applicant also submitted that despite this Tribunal's specific direction dated 01.12.2022, directing the removal of encroachments and restoration of inlets to the water body, the District Collector, Srikakulam (Respondent No. 2), failed to comply. Consequently, the Applicant filed an Execution Application seeking enforcement of the said order and initiation of appropriate action against the 2nd Respondent.

22. Refuting the allegations made, the learned counsel for the official respondents submitted that the subject land is a government tank poramboke and hence, ineligible for alienation under G.O. 571 dated 14.09.2012. It was contended that the tank has been defunct since 1978, with no ayacut or irrigation function. While agricultural encroachments have been evicted, the longstanding public structures could not be removed without government orders due to socio-legal complexities. It was emphasized that all administrative actions were taken in compliance with court directions, and that repeated claims by the applicant are legally untenable and unsupported by records.

23. The learned counsel further submitted that the official respondents have been diligently complying with the Tribunal's directions by conducting joint inspections and filing several compliance/action taken reports. It was stated that 7.68 Acres of agricultural encroachments in Sy. No. 59 have been cleared, and necessary steps are underway to address the remaining concerns. As per the latest assessment, only 2.45 Acres remain as tank area, and full restoration is not feasible due to the tank's defunct status, altered topography, and long-standing public structures. Citing these practical constraints, the learned counsel for the State of Andhra Pradesh prayed that the action taken by the District Collector, Srikakulam, may be accepted.

24. From the above, the issues that arise for determination is:

I. Whether Survey Nos.59 and 48/1 of Chinnadugam Village are classified as tank poramboke lands and protected under G.O. Ms. No.571, dated 14.09.2012?

II. Whether the applicant's claim for allotment of land under G.O. Ms. No.571 dated 14.09.2012 is legally sustainable?

III. Whether unauthorized encroachments, including permanent structures and agricultural use, have been illegally permitted or regularized?

IV. Whether the claim that the tank is defunct and restoration is unviable is supported by credible evidence?

V. Whether the authorities have complied with this Tribunal's directions, and if not, whether action against Respondent No.2 (as sought in the execution application) is warranted?

25. The case of the Applicant is that the alleged encroachments over Kakarla Pond, situated in Survey Nos. 59 and 48/1 of Chinnadugam Village, Srikakulam District, Andhra Pradesh, must be removed; the water body should be restored to its original condition; and appropriate action should be initiated against the officials who either enabled or failed to prevent such encroachments, relying on established legal and environmental principles governing the protection of water bodies.

26. The Joint Committee, following an inspection on 20.01.2021 at Kakarla Pond (Sy. No. 59), reported that the land measures 12.75 Acres and is classified as '*government poramboke tank land*'. However, no physical tank structure exists. The area is occupied by 89 families—32 with valid house site pattas issued since 1988, and 57 with reportedly misplaced pattas. Additionally, 39 individuals are engaged in agricultural activity over 7.24 Acres. The site hosts permanent structures such as a school, panchayat office, housing colony, temple stage, and a CC road. The tank has been defunct since 1978 following the formation of the Narasannapeta Branch Canal under the Vamsadhara Project, with no ayacut or contribution to groundwater recharge. Given the tank's abandonment and development, the report, citing Govt.

Memo dated 08.02.1999, recommends regularizing house sites and initiating eviction proceedings for agricultural encroachments. Instructions to this effect have been issued to the Tahsildar, Sub-Collector, and Panchayat officials.

27. Pursuant to the Tribunal's directions, the District Collector, Srikakulam District, has filed the latest **action taken report dated 31.12.2024**. It is stated in the report that a Joint Committee has been constituted comprising officials from the Revenue, Irrigation, Electricity, and Survey Departments to inspect the subject tank encroachments in Chinnadugam Village, Jalumuru Mandal. Based on the joint inspection held on 06.06.2023, it was reported that Sy. No.48/1 (21.08 Acres), classified as Tank Poramboke (Kakarlavani Tank), includes 14.77 Acres under cultivation, 1.60 Acres covered by houses and sheds, and 2.45 Acres as the existing tank bed, among other minor structures. In Sy. No. 59, also classified as a tank, 5.07 Acres are occupied by long-standing structures such as an MPP School, Panchayat Office, BPL housing, a road, temples, and field channels, most of which have existed for 25–40 years. Additionally, agricultural encroachments over 7.24 Acres and vacant land of 0.44 Acres were used for temple activities, which have since been cleared.

28. It was reported that Sy. No.59 was not included in the list of tanks transferred to the Water Resources Department in the year 2005 and remains defunct, with no ayacut due to localization under the Narasannapeta Branch Canal of the Vamsadhara Project since 1978. A further joint inspection conducted on 19.06.2024 confirmed that agricultural activities in Sy. Nos. 48/1 and 48/3 had ceased, warning boards were installed, and the land was vacant. Though the tank has three functioning inlets, the topography has changed significantly due to permanent roads and other constructions, preventing water stagnation.

29. It was reiterated in the report that only 2.45 Acres remain as tank bed area. Encroachments over 8 Acres in Sy. No. 48/1 were initially cleared, with the remainder pending eviction due to heavy rains. Later, on 17.12.2024, agricultural encroachments over 14.77 Acres in Sy. No. 48/1 and 7.24 Acres

in Sy. No. 59 were evicted by the Tahsildar and RDO. However, despite the Hon'ble High Court orders in W.P. No. 14694 of 2024 to maintain the status quo, certain encroachers resumed cultivation in violation of court orders. It was assured that post-harvest, reoccupation would be prevented. Finally, the RDO addressed a letter to the Superintending Engineer, Irrigation Circle, Srikakulam, seeking restoration of the evicted portions of the tank in Sy. Nos. 48/1 and 59, excluding areas where permanent structures have existed for over three decades.

30. It is repeatedly affirmed in revenue records, including the Settlement Fair Adangal, FMB, and subsequent reports filed by the officials, that Sy. No.59 (12.75 Acres) and Sy. No.48/1 (21.08 Acres) are classified as tank poramboke lands, known locally as *Kakarla Pond* or *Kakarlavani Cheruvu*. As per G.O. Ms. No.571, Revenue (Assignment-I) Department dated 14.09.2012, tank beds and other ecologically sensitive lands are barred from alienation, reclassification, or regularization. No contrary classification has been shown. Hence, this Tribunal concludes that the said lands are tank poramboke lands and deserve statutory and constitutional protection.

31. Joint inspection reports confirm widespread encroachments: (i) 89 residential houses, some with pattas issued since 1988, and others without any authorization; (ii) Public utilities such as MPP School, Panchayat Office, temples, field channels, and a CC road, occupying around 5.07 Acres; and (iii) Agricultural activity over 7.24 Acres in Sy. No. 59 and 14.77 Acres in Sy. No. 48/1.

32. The Applicant sought allotment of 10 Acres in Sy. No. 59 (Kakarlavani Pond), claiming it was for establishing a charitable institution. However, the land in question is classified as 'tank poramboke,' which is expressly excluded from allotment under Clauses 3(a)(ii) and 3(c)(viii) of G.O. Ms. No.571, Revenue (Assignment - I) Department, dated 14.09.2012. This G.O. categorically prohibits allotment or alienation of environmentally sensitive and fragile areas such as tank beds, river beds, and afforested hillocks. As per the settled legal principle "**nemo dat quod non habet**" (No one can give what they do not have), the

State cannot transfer or allot what it is not legally empowered to convey. Thus, any such claim for allotment is inherently untenable. The applicant's comparison with allotments made to other institutions (e.g., Vedic University, hospitals) is misconceived, as those were made on unobjectionable poramboke lands and not on tank beds. Therefore, the applicant has no legal entitlement to claim allotment of any portion of Sy. Nos. 59 or 48/1 under the said G.O.

33. It is also relevant to note that the applicant had previously filed **W.P. No. 8493 of 2020** before the Hon'ble High Court of Andhra Pradesh, seeking a direction to allot land in Sy. No. 59 for the construction of Gareeb Guide's Heaven (an old age and orphanage home). Upon failing to obtain a favorable order, the present proceedings were initiated before this Tribunal under the guise of seeking removal of encroachments, while indirectly reviving the claim for allotment of land that is impermissible under law.

34. While the respondents claimed partial eviction of agricultural encroachments and installation of cautionary boards, the Applicant produced photographic and documentary evidence demonstrating that encroachments persist and that fresh constructions, including works under MGNREGA, have been permitted even after the Tribunal's orders. This establishes the continued and unauthorized occupation of the tank poramboke without any legal sanction or reclassification. It is evident that both permanent structures and agricultural encroachments exist in contravention of statutory provisions and environmental safeguards.

35. The Hon'ble Supreme Court has consistently held that encroachments on government lands, particularly waterbodies, must be removed. Where eligible, rehabilitation may be considered in accordance with the State Government's policy, but no individual has the right to insist on continuing unlawful occupation. The applicant's specific allegation regarding fresh encroachments by farmers must be verified, and if found true, immediate eviction should follow. Additionally, criminal action may

be initiated against such trespassers, along with preventive measures to restrain further intrusion into the water body.

36. The authorities' claim that the tank is defunct—citing the absence of ayacut and canal water—is not supported by the record. Official data from the Water Resources Department identifies Kakarla Pond as MI Tank ID (MI024999), noting a capacity of 0.45 M.Cft, water spread of 3.44 Acres, and an ayacut of 9.07 Acres. Joint inspection reports also confirm that three inlet channels remain functional. Moreover, MGNREGA funds have been utilized for renovation works, which directly contradicts any assertion of abandonment. Although full restoration may be limited due to the presence of longstanding public structures, over 7 Acres of agricultural encroachments have already been cleared, leaving 2.45 Acres of tank bed available—making partial ecological rehabilitation both feasible and necessary.

37. The contention that encroachments have existed for the past 30 to 40 years cannot justify inaction. Likewise, the argument that the tank is obsolete for irrigation purposes due to the formation of the Narasannapeta Branch Canal under the Vamsadhara Project is misplaced. A waterbody serves multiple ecological and hydrological functions beyond irrigation—such as groundwater recharge, maintenance of the aquifer, support for flora and fauna, and improvement of drinking water availability for nearby habitations.

38. Furthermore, reliance by the Joint Committee on Government Memo No.65961/Assn.I(1)/97-11 dated 08.02.1999 is untenable in light of the binding precedent laid down by the Hon'ble Supreme Court in ***Hinch Lal Tiwari v. Kamala Devi & Ors., (2001) 6 SCC 496***. The Apex Court has clearly held that even disused waterbodies must be rejuvenated and restored by the State. Accordingly, this Tribunal finds that the claim of defunct status is unsubstantiated and that restoration—at least in part—is both viable and mandated under law.

39. Despite repeated directions from this Tribunal and the Hon'ble High Court, compliance by the authorities has been incomplete and fragmented. While portions of agricultural encroachments in Sy. Nos. 59 and 48/1 have been removed, permanent structures remain untouched. No meaningful efforts have been made to restore the waterbody, re-establish natural inflow and outflow channels, or safeguard the functional inlets and outlets, as mandated. On the contrary, public funds—including those from MGNREGA and MP grants—have been utilized to create additional infrastructure within the pond area, in clear defiance of judicial orders. This reflects a lack of seriousness and commitment by the authorities in fulfilling their statutory obligations.

40. However, the District Administration has explained the practical constraints it faces in evicting long-standing encroachments involving both Government and private constructions—such as the MPP School, RBK, BPL houses, blacktop road, field channel, stage, and temple—which serve public utility purposes. These structures have been in existence for decades and any abrupt action may lead to serious law and order issues. Recognizing these complexities, the District Collector has sought specific guidance from the Chief Commissioner of Land Administration (vide Rc. No. 943/2020-83, dated 05.07.2022) to initiate appropriate legal action in a manner that balances compliance with judicial directions and maintenance of public order.

41. In light of these mitigating circumstances, this Tribunal is of the considered view that the non-compliance cannot be attributed to wilful disobedience, but rather to administrative and practical constraints. Hence, the prayer in the execution application seeking action against the District Collector is not warranted at this stage. Nevertheless, the State Authorities are expected to continue pursuing lawful and feasible measures for progressive restoration of the waterbody and removal of unauthorized encroachments and permanent structures in accordance with applicable policies and judicial directives.

42. In view of the foregoing, the following directions are issued:

- I.** The District Collector, Srikakulam District and the Irrigation Department shall restore the full extent of tank poramboke lands in Sy. Nos. 48/1 and 59 of Chinnadugam Village, as per the report of the District Collector, Srikakulam dated 31.12.2024, ensuring the ecological rejuvenation of Kakarlavani Pond.
- a)** The area that is restored after the removal of encroachment i.e. 22.01 Acres (14.77 Acres in Sy. No. 48/1 + 7.24 Acres in Sy. No. 59) shall be deepened to enhance water storage capacity.
- b)** The existing inlet channels shall be preserved and desilted, and any blockages or diversions be removed under the District Collector's supervision.
- c)** Preventive measures such as fencing, signage, and local monitoring shall be put in place to deter further encroachments.
- II.** The District Collector shall seek appropriate orders from the Chief Secretary to Government for the removal and rehabilitation of existing longstanding public and private structures within the tank bed, subject to the outcome of the writ petition pending before the Hon'ble High Court of Andhra Pradesh.
- III.** It is recommended that the road passing through the tank, the District Collector shall propose conversion into an elevated bridge to enable unobstructed water flow, by seeking Government sanction and funding.

IV. The feasibility of a feeder channel from the Narasannapeta Branch Canal under the Vamsadhara Project shall be explored to ensure a sustainable water supply to the restored pond.

43. With the above directions, the Original Application [**O.A. No. 92 of 2020 (SZ)**] stands **disposed of**.

44. Consequently, the Execution Application [**E.A. No. 03 of 2023 (SZ)** in O.A. No.92 of 2020 (SZ)] is **closed**, taking note of the partial compliance and the further directions issued herein.

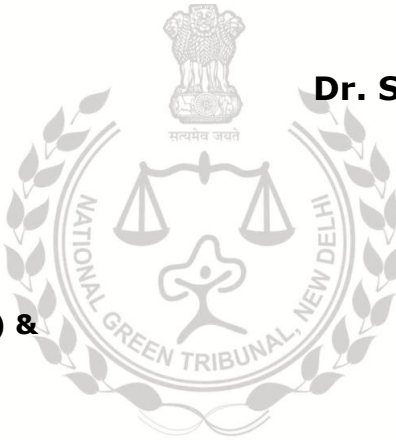
Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

Internet – Yes/No

All India NGT Reporter – Yes/No

**O.A. No.92/2020 (SZ) &
E.A. No.03/2023 (SZ)
08th July, 2025. Mn.**



NGT