

Item No. 06(i) & (ii):-

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

Wednesday, the 27th day of November 2024.

(Through Video Conference)

**Original Application No.92 of 2022(SZ)
With
Original Application No.109 of 2022(SZ)**

IN THE MATTER OF:

O.A. No.92 of 2022(SZ):

Nannepaga Srikanth

S/o. Nannepaga Venkata Rao,
Aged 40 years,
Occ: Private Employee,
R/o. Duggirala Vilage, Duggirala Mandal,
Guntur District, PIN-523 330.

Versus

...Applicant(s)

1) State of Andhra Pradesh,

Rep. by its Principal Secretary, Revenue Department,
Secretariat, Amaravathi, Guntur District – 522020.

2) State of Andhra Pradesh,

Rep. by its Principal Secretary, Water Resource Department,
Secretariat, Amaravathi, Guntur District – 522020.

3) State of Andhra Pradesh,

Rep. by its Principal Secretary,
Panchayatraj & Rural Department,
Secretariat, Amaravathi, Guntur District - 522020.

4) State of Andhra Pradesh,

Rep. by its Principal Secretary,
Environment, Forest, Science and Technology,
Secretariat, Amaravathi, Guntur District -522020.

5) The District Collector,

Guntur District, Collectorate Buildings,
Guntur Town & District,
Andhra Pradesh - 522001.

6) The Superintending Engineer,

Guntur Irrigation Circle,
Guntur Town & District,
Andhra Pradesh -522001.

7) The District Panchayat Officer,
Guntur District, Andhra Pradesh - 522001.

8) The Sub- Collector,
Tenali Revenue Division,
Tenali Town, Guntur District,
Andhra Pradesh – 523 002.

9) The Tahsildar, Duggirala Mandal,
Duggiraala, Guntur District,
Andhra Pradesh – 523 002.

10) Dy. Executive Engineer,
Panchayatraj & Rural Development,
Mangalagiri Town & Mandal,
Guntur District, Andhra Pradesh – 522 503.

11) The Gram Panchayat,
Rep. by its Secretary,
Duggirala Village & Mandal,
Guntur District,
Andhra Pradesh -523 169.

12) Andhra Pradesh Coastal Zone Management Authority
Rep. by its Chairman,
Chalamavari Street, Kasturibaipeta,
Vijayawada – 520 010.

...Respondent(s)

O.A. No.109 of 2022(SZ):

Sri Koppula Madhu Babu,
S/o: Prakasarao, Aged 29 years,
Occ: Cultivation,
R/o.Revendrapadu H/o Thummapudi Revenue Village,
Duggirala Mandal, Guntur District, PIN-523330.

...Applicant(s)

Versus

1) State of Andhra Pradesh,
Rep. by its Principal Secretary, Revenue Department,
Secretariat, Amaravathi, Guntur District – 522020.

2) State of Andhra Pradesh,
Rep. by its Principal Secretary, Water Resource Department,
Secretariat, Amaravathi, Guntur District – 522020.

3) State of Andhra Pradesh,
Rep. by its Principal Secretary,
Panchayatraj & Rural Department,
Secretariat, Amaravathi, Guntur District - 522020.

4) State of Andhra Pradesh,
Rep. by its Principal Secretary,
Environment, Forest, Science and Technology,
Secretariat, Amaravathi, Guntur District -522020.

5) The District Collector,

Guntur District, Collectorate Buildings,
Guntur Town & District,
Andhra Pradesh - 522001.

6) The Chief Engineer, Delta system

Vijayawada, Krishna District,
Andhra Pradesh - 521001.

7) The Superintending Engineer,

Guntur Irrigation Circle,
Guntur Town & District, Andhra Pradesh -522001.

8) The Executive Engineer,

K W Division,
Tenali, Guntur District, Andhra Pradesh -522201.

9) The District Panchayat Officer,

Guntur District,
Andhra Pradesh -522201.

10) The Sub- Collector,

Tenali Revenue Division,
Tenali Town, Guntur District,
Andhra Pradesh - 522201.

11) The Tahsildar, Duggirala Mandal,

Duggiraala, Guntur District,
Andhra Pradesh - 522002.

12) Dy. Executive Engineer,

Panchayatraj & Rural Development,
Mangalagiri Town & Mandal,
Guntur District, Andhra Pradesh - 522503.

13) The Grampanchayat,

Rep. by its Secretary,
Revendrapadu Village,
Duggirala Mandal,
Guntur District, Andhra Pradesh -522330.

...Respondent(s)

O.A. No.92 of 2022(SZ):

For Applicant(s): M/s. Sekhar Babu Damacharla,
V. Srinivasa Rao & A. Lavanya.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 to R12.

O.A. No.109 of 2022(SZ):

For Applicant(s): M/s. Sekhar Babu Damacharla,
V. Srinivasa Rao & A.Lavanya.

For Respondent(s): Mrs. Madhuri Donti Reddy for R1 to R13.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

JUDGEMENT

1. The above Original Applications are filed seeking direction for barring the respondents from making any construction in the Kommamur Canal, which runs through the middle of the Revendrapadu H/o Thummapudi Revenue Village.

2. Even as per the Field Measurement Book (FMB) and in the Adangal, Survey Nos.252 and 254 are classified as 'Kaluva' i.e. Canal. As per the Revenue and Water Source (Irrigation) Department, there is no poramboke or waste land in Survey Nos.252 and 254 and these two survey numbers are situated in the middle of the village portion.

3. While so, there was an attempt to occupy the bunds and the waste water drain and construction of some foundation wall. Challenging the said action, the above Original Applications are filed.

4. In response, the report of the District Collector - Guntur District is filed and it is stated that there was a proposal for the construction of the Village Secretariats, Anganwadi Centres, etc. Challenging the said proposal, the **Writ Petition No.23192 of 2023** was filed before the Hon'ble High Court of Andhra Pradesh assailing the action of the respondents in constructing the said Village Secretariats, Anganwadi Centres etc. The Hon'ble High Court of Andhra Pradesh also granted an order of interim stay for the construction of the above-mentioned buildings. After the interim orders were passed both by the Hon'ble High Court of Andhra Pradesh as well as by this Tribunal, no work was taken up for the construction of the proposed buildings. The Tahsildar - Duggirala Village has stated that the work has been completed up to the foundation (piles only) and stopped.

5. However, it is seen from the report of the District Collector that the construction work was stopped, as the proposal for the construction of the Village Secretariats, Anganwadi Centre, Bulk Milk Cooling Unit, etc. in Duggirala Village and Mandal of Guntur District is dropped.

6. As the report of the District Collector has stated that the foundation work is completed including the piles, in a canal, the said constructions cannot be allowed to be let as such.

7. Therefore, we direct the District Collector – Guntur District to ensure that having dropped the proposal should remove the foundation laid and restore the canal to its original position and report compliance.

8. As the proposal itself is dropped, nothing survives for further adjudication, except the removal of the construction already made which has to be removed.

9. Accordingly, the Original Applications [**O.A. Nos. 92 of 2022(SZ) & 109 of 2022(SZ)**] are disposed of.

10. Let the matter be listed on **10.02.2025** for reporting compliance by the District Collector – Guntur District.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

**O.A. No.92/2022(SZ) &
O.A. No.109/2022(SZ)
27th November, 2024. AD.**