

Item No.04

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Wednesday, the 3rd day of July, 2024.

Original Application No. 49 of 2024 (SZ)
(Through Video Conference)

IN THE MATTER OF

Bolisetty Satyanarayana,

S/o Srimannarayana, aged 65-years,
R/o HIG-50, MVP Colony, Sector-1,
Vishakapatnam, Andhra Pradesh- 530017.

...Applicant(s)

Versus

1. State of Andhra Pradesh,

Rep by its Principal Secretary,
Municipal Administration and Urban Development,
Secretariat, Velagapudi,
Guntur District- 522503.

2. Greater Visakhapatnam Municipal Corporation,

Rep by its Commissioner,
Visakhapatnam, Andhra Pradesh- 530001.

3. Visakhapatnam Metropolitan Region Development Authority,

Rep by its Vice Chairman,
8th Floor, Udyog Bhavan, Siripuram Jn.,
Visakhapatnam, Andhra Pradesh- 530003.

4. Andhra Pradesh Pollution Control Board

Rep by its Member Secretary,
D. No. 33-26-14/D2, Pushpa Hotel Center,
Chalamvari Street, Kasturibaipet,
Vijayawada, Andhra Pradesh- 520010.

5. The District Collector,

Collector's Office, Visakhapatnam,
Andhra Pradesh- 531001.

6. State Level Environment Impact Assessment Authority (SEIAA)

D. No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamavari Street,
Kasturibaipet, Vijayawada, Andhra Pradesh- 520010.

...Respondent(s)

For Applicant(s):

Mr. Sravan Kumar

For Respondent(s):

Ms. Madhuri Donti Reddy for State of Andhra
Pradesh

Date of Hearing: 3rd July, 2024.

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 applicant claiming to be an environmentalist and active member of Jal Biraradi has filed the above application seeking a direction to stop the construction of 100 feet road at park 3 at 28th Ward of Visakhapatnam, Andhra Pradesh and to protect the 58 acres area into park with amenities to walkers, children etc.
2. It is alleged by the applicant that the State of Andhra Pradesh, Greater Visakhapatnam Municipal Corporation and the Visakhapatnam Metropolitan Region Development Authority are proposing to remove the land measuring 58 acres allocated for park in the Survey No. 1196 and 1197 in Daspalla Hills in Visakhapatnam without Environmental Clearance. The said developmental activity will adversely impact the environment and open space allocated for park/public purpose.
3. It is stated an extent of 235,185 sqm in S.F Nos. 1197 and 76,372 in S.F. No. 1196 has been declared by the State of Andhra Pradesh as surplus vide C.C. No. 8(4)/6(1)/6311/76 dated 15.02.1982. The land was kept vacant and allocated as Park-03 in the Master Plan-2006 of Visakhapatnam.

4. It is further alleged that the Government of Andhra Pradesh and the Greater Visakhapatnam Municipal Corporation have illegally changed the Master Plan and the area allocated for Park-3 from Green Zone to Multipurpose Zone allowing the commercial activities and concretization of the area. The Greater Visakhapatnam Municipal Corporation also called for objections of the residents of Visakhapatnam on laying of 100 feet road on 04.12.2023 but without waiting for the objections of the residents, it has proceeded and sanctioned funds for laying of 100 feet road in Park-3 at Daspalla Hill.

5. It is also alleged that Government of Andhra Pradesh has not procured any approval for laying of 100 feet road and commercialization of the park land from SEIAA or MoEF&CC. He also relied on various judgements of the Hon'ble Apex Court in support of his case.

6. The above alleged activities are pursuant to G.O. Ms. 345 (Municipal Administration and Urban Development (H2) Department) dated 30.06.2006 which relates to extensive modifications to the Master Plan of Visakhapatnam Urban Development Authority Metropolitan Region and Zonal Developmental of Visakhapatnam Town, Gajuwaka Town, Anakapalli Town, Vizinagaram Town and Bheemilipatnam Town. There is yet another G.O. Ms. No. 136, Municipal Administration and Urban Development (M) Department dated 08.11.2021 issued for preparation of Master Plan for Visakhapatnam Metropolitan Region (VMR)-2041 including Review and Revision of existing Master Plan and Preparation of Perspective Plan- 2051 and

sanctions were accorded under Section 13 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016. The application is silent about these two G.Os and also not mentioned about challenge, if any, to them.

7. The application is a challenge to the above G.Os before this Tribunal which cannot be entertained. Moreover, the said G.Os were passed in the year 2006 and the latest G.O on 08.06.2021. The present application is filed on 20.12.2023 i.e. after a lapse of 02 years of the issuance of G.O. Ms. No. 136, Municipal Administration and Urban Development (M) Department dated 08.06.2021. Therefore, the above application is not maintainable. Accordingly, the Original Application is dismissed.

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

.....E.M.
(Dr. Satyagopal Korlapati)

Internet – Yes/No
All India NGT Reporter – Yes/No

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03rd July, 2024. (AM)

NGT