

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI**

ORIGINAL APPLICATION No.195/2020

OA. No. 195 OF 2020

Shri Putta Sudhakar Yadav

... Petitioner

AND

The Chief Secretary, State of Andhra Pradesh and Others

... Respondents

**COUNTER AFFIDAVIT FILED ON BEHALF OF
RESPONDENT NO.08 , MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE**

I, Shanmugam Elamurugannan, S/o Late Appavu Shanmugam aged 45 years, Occ: Govt. services, r/o Bengaluru, do hereby solemnly affirm and state on oath as under: -

1. I am working as Assistant Inspector General of Forests, Integrated Regional Office, Vijayawada, Ministry of Environment, Forest and Climate Change, Government of India, duly authorized and competent to swear the present Counter affidavit on behalf of Ministry of Environment, Forest and Climate Change (herein after referred as MoEFCC)-respondent no.08.

2 I have gone through the petitioner's affidavit filed in support of above petition and submitted the following facts before Hon'ble Tribunal;

3. In reply to various allegations and averments made in the petitioner's affidavit filed in support of above OA, it is respectfully submitted that the 'land' is a subject matter of State Government.

The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, inter alia, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.

4 It is respectfully submitted that, to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto, the Parliament in the Thirty- First Year of the Republic of India enacted the Forest(Conservation) Act, 1980 ("FC Act", for short). FC Act came into force on 25th October, 1980.

5. It is submitted that section 2 of the Forest (Conservation) Act, 1980 ('FC Act', for short) provides that;

"Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

i. that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

ii. that any forest land or any portion thereof may be used for any non-forest purpose;

iii. that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned managed or controlled by Government;

iv. that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation.

6 It is submitted that the Hon'ble Supreme Court vide interim order dated 12.12.1996 in W.P.No.202/1995 has issued explicit directions for cessation of all non-forestry activities going on in forest area without prior approval of Central Government. The Apex Court vide order referred to above has stated that the word "Forest" must be understood according to its dictionary meaning and also 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 ownership or classification thereof.

7. It is respectfully submitted that, the answering respondent vide letter dated F.No.FC/IRO-VIJ/FCA/NGT/55-03/2021/96 dated 03rd December 2021 has requested the PCCF, Andhra Pradesh to furnish the factual status as of now, on the ownership & possession and legal status of the land under question in this instant matter (i.e. Sy No 506-B, 507 situated at Nandyalampet Village, S, Mydukur Mandal, over an extent of 304. Acres), to be furnished on or before 05.12.2021. Copy of the letter dated F.No. FC/IRO-VIJ/FCA/NGT/55-03/2021/96 dated 3rd December 2021 is placed as **Annexure-R1**.

8. It is respectfully submitted that, the PCCF, HoFF, Andhra Pradesh vide letter No. EFS02-22021/2020-WLR-2 dated 14.12.2021, submitted the following documents;

a. Counter Affidavit filed by the Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, Guntur in National Green Tribunal (SZ), Chennai in this case.

b. Joint Survey and inspection report dated: 12.05.2021 of the Forest and Revenue Departments in Sy.no.506 B & 506 of Nandyalampet Village of Mydukur Mandal of YSR Kadapa District received from the Divisional Forest Officer, Proddatur (WL) Division.

c. Joint Survey and inspection report dated: 07.08.2021 of the Forest, Revenue and Survey Departments in Sy.no.506 B & 506 of Nandyalampet Village of Mydukur Mandal of YSR Kadapa District received from the Divisional Forest Officer, Proddatur (WL) Division. Copy of the letter No. EFS02-22021/2020-WLR-2 dated 14.12.2021 along with the

documents submitted by the PCCF, Andhra Pradesh is placed as **Annexure-RII**.

9. It is respectfully submitted that, after scrutiny of the documents submitted by the PCCF, HoFF, Andhra Pradesh, it reveals that, the legal status of the area under question i.e Sy.no.506 B & 507 of Nandyalampet Village of Mydukur Mandal of YSR Kadapa District is reported / recorded differently i.e. as "Forest" in RSR and "Reserved Forest" as per Adangal downloaded from Meebhomi Portal of AP and as per the Forest Department records the area in question are "not part of any Notified "Reserve Forest" and also not part of Lankamalla Reserve Forest or Part of Tiger Corridor";

10. It is respectfully submitted that, for the purpose of clarity, the Integrated Regional Office, MoEF&CC, Vijayawada vide letter No. IRO/VIJ/FCA/NGT/55-03/2021/107 dated 21.12.2021 requested the PCCF, HoFF Andhra Pradesh to clarify whether the land under question is a deemed forest as per the order, dated 12.12.1996 of the Hon'ble Supreme court in the WP(Civil) No.202/1995 in the matter of T.N.Godavarman Thirumalpad vs Union of India Copy of the letter dated F.No. IRO/VIJ/FCA/NGT/55-03/2021/107 dated 21.12.2021 is placed as **Annexure-RIII**.

11. It is respectfully submitted that, the PCCF, HoFF, Andhra Pradesh vide letter No. EFS02-22021/3/2020-WLR-2 dated 26.12.2021 informed that the land in question i.e Sy.no.506 B & 507 of Nandyalampet Village which is classified as "Forest" as per RSR of Nandyalampet Village of Mydukur Mandal of YSR Kadapa District and reported that as per the order of the Hon'ble Supreme court of India dated 12.12.1996 in the WP(Civil) No.202/1995 in the matter of T.N.Godavarman Thirumalpad vs Union of India, attracts the provisions of Forest (Conservation) Act, 1980 even though, it is not a notified forest under the State Forest Act. Copy of the letter letter No. EFS02-22021/3/2020-WLR-2 dated 26.12.2021 is placed as **Annexure-RIV**.

12. It is respectfully submitted that, for the purpose of further clarity, the Integrated Regional Office, MoEF&CC, Vijayawada vide letter No. IRO/VIJ/FCA/NGT/55-03/2021/112 dated

30.12.2021 requested the Andhra Pradesh State Government to submit detailed report on the following;

- a. Whether or not the State Government authority issued any such order(s) to the person/ organization etc to allow them to utilize area in question (i.e Sy.no.506 B & 507 of Nandyalampet Village of Mydukur Mandal of YSR Kadapa District) for non- forestry activities without obtaining prior approval of competent authority under FCA, 1980. If any, detailed report may please be submitted along with supporting documents;
- b. The comments of the State Government made under the subject court case may also be furnished;

Copy of the letter dated F.No.IRO/VIJ/FCA/NGT/55-03/2021/112 dated 30.12.2021 is placed as **Annexure-RV**

13. This respondent reserve their right to file additional Counter affidavit as and when it deems fit and necessary during the pendency of the subject case.

14. For the reasons stated above and other grounds that are to be urged at the time of hearing of the subject case, this Hon'ble Tribunal may be pleased to pass such other or further orders as this Hon'ble Tribunal may deems fit and proper.


DEPONENT

VERIFICATION

I, Shanmugam Elamurugannan, S/o Late Appavu Shanmugam aged 45 years, Occ: Govt. service, r/o Bengaluru, the deponent do hereby verify that the contents in the above mentioned paras are true and correct to the best of my knowledge and belief and the same are borne out of records, hence verified on this the 21st day ,of January , 2022.


DEPONENT

एस.इलमुरुगन्नन, भा.व.से.,
S. Elamurugannan, I.F.S.,
सहायक वन महानिरीक्षक(केन्द्रीय)
Assistant Inspector General of Forest (C)
भारत सरकार/Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय/Integrated Regional Office
विजयवाड़ा/Vijayawada



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
Integrated Regional Office, Vijayawada
Green House Complex, Gopal Reddy Road
Vijayawada – 520010, Andhra Pradesh
email: iro.vijayawada-mefcc@gov.in



MOST URGENT- COURT MATTER
F.No. IRO/VIJ/FCA/NGT/55-03/2021/96
Date 3rd December, 2021

To

The Principal Chief Conservator of Forests,
Forests Department, Govt. of Andhra Pradesh,
Aranya Bhavan, K.M. Munshi Road, Nagarampalem Guntur-522004

Subject: O.A No 195 of 2021 in the matter, Putta Sudhakar Yadav vs. The Chief Secretary State of Andhra Pradesh and Others pending before the National Green Tribunal (Southern Zone)-reg.

Sir,

Please find enclosed herewith copy of O.A No 195 of 2021 in the matter, Putta Sudhakar Yadav vs. The Chief Secretary State of Andhra Pradesh and Others pending before the National Green Tribunal (Southern Zone). In this connection, this is to inform that the Ministry of Environment, Forest and Climate Change, Government of India is arrayed as respondent number 08, in this matter.

2. In this regard, as the land is a subject matter of the State & all matters/records connected thereto are the primary responsibility of the state, it is requested that **the factual status as of now, on the ownership & possession and legal status of the land** under question in this instant matter (i.e. Sy No 506-B, 507 situated at Nandyalampet Village, S, Mydukur Mandal, over an extent of 304. Acres), may please be furnished on or before 05.12.2021, so as to enable this office to file the Counter affidavit on behalf of respondent number 08.

This being the court matter top priority may kindly be accorded.

Encl: As above

Yours faithfully,

(N.S.Murali)

Inspector General of Forests (Central)

Copy to:-

1. The Assistant Inspector General of Forest (Central), Forest Protection Division, MoEF&CC, New Delhi 110003 for information please

N.S.Murali)

Inspector General of Forests (Central)

**GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT**

From Sri N.Prateep Kumar, I.F.S., Prl.Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, Aranya Bhavan, Guntur - 522 004.	To The Inspector General of Forests (Central), Government of India, Ministry of Environment, Forests & Climate Change, Integrated Regional Office, Vijayawada.
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Rc.no. EFS02-22021/3/2020-WLR-2, Dt: 14/12/2021

Sir,

Sub :-	APFD - O.A.no.195 of 2020 (SZ) filed by Sri Putta Sudhakar Yadav vs. the Chief Secretary, State of Andhra Pradesh and others pending before the National Green Tribunal (Southern Zone) - Connected records- submission of - Regarding.
Ref:	Gol, MoEF&CC F.no.IRO/VIJ/FCA/NGT/55-03/2021/96, dt:03.12.2021.
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Adverting to the reference cited, the following records connected with the O.A.no.195 of 2020 filed by Sri Putta Sudhakar Yada, Ex-Chairman, TTD Board, Proddatur of Kadapa District before the Hon'ble NGT(SZ), Chennai regarding encroachment of reserve forest around 304 Ac. in Sy.no.506-B and 507 situated in Nandyalampet village, S.Mydukur (M) of YSR District are enclosed herewith:

1.Counter Affidavit filed by the Prl. Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, Guntur in National Green Tribunal (SZ), Chennai in this case.

2.Joint Survey and inspection report dt:12.05.2021 of the Forest and Revenue Departments in Sy.no.506 B & 506 of Nandyalampet Village of Mydukur Mandal of YSR Kadapa District received from the Divisional Forest Officer, Proddatur (WL) Division.

3.Joint Survey and inspection report dt:07.08.2021 of the Forest, Revenue and Survey Departments in Sy.no.506 B & 506 of Nandyalampet Village of Mydukur Mandal of YSR Kadapa District received from the Divisional Forest Officer, Proddatur (WL) Division.

This is for favour of information and necessary action.

Encl: As above

Yours faithfully,
N Prateep Kumar Ifs
Prl.Chief Conservator of Forests
& Head of Forest Force

**GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT**

From

Sri N.Prateep Kumar, IFS.,
Principal Chief Conservator of Forests &
Head of Forest Force, Aranya Bhavan,
Andhra Pradesh, Guntur.

To

Smt Madhuri Reddy Donti Reddy,
The Standing Counsel for Andhra
Pradesh, National Green Tribunal,
Chennai Bench.

Rc.no.EFS02-22021/3/2020-Res-PCCF, dt:18-11-2020.

Madam,

Sub: APFD - O.A.no.195/2020, dt:12-10-2020 filed by Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board, Mydukur of Kadapa district before the Hon'ble National Green Tribunal (SZ), Chennai - Fair Counter Affidavit furnished for filing in the Hon'ble National Green Tribunal (SZ), Chennai - Regarding.

Ref: Fair Counter Affidavit in O.A.no.195 of 2020 approved by the Standing Counsel for Andhra Pradesh, NGT(SZ).

The fair Counter Affidavits in (5) sets, to be filed in O.A.no.195/2020 (filed by Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board, Mydukur of Kadapa district) is enclosed herewith.

The Standing Counsel for Andhra Pradesh, National Green Tribunal, Chennai bench is requested to take necessary action for filing the same in the Hon'ble High Court and ensure that the case is disposed off at the earliest in the interest of the Department.

Encl: As above

Yours faithfully,
Sd/-N.Prateep Kumar,
Prl. Chief Conservator of Forests &
Head of Forest Force

Copy submitted to the Special Chief Secretary, EFS&T Dept., Andhra Pradesh Secretariat, Velagapudi for kind information.

Copy to the Conservator of Forests, Kurnool Circle, Kurnool for information.

Copy to the Divisional Forest Officer, Proddatur (WL) Division for information and necessary action.

//t.c.b.o.//

for 
Superintendent

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTH ZONE)
AT CHENNAI
O. A. No. 195 of 2020 (SZ)**

Between

Sri Putta Sudhakar Yadav,
Ex - TTD Board Chairman,
Proddatur, Kadapa District.

... **Applicant**


AND

1. The Chief Secretary,
State of Andhra Pradesh,
Building #1, 1st Floor,
Interim Government Complex
AP Secretariat, Velagapudi,
Guntur, Andhra Pradesh - 522503.
2. The Special Chief Secretary,
EFS & T, Govt. of Andhra Pradesh,
Aranya Bhavan, K. M. Munshi Road,
Nagarampalem, Guntur - 522004
Andhra Pradesh.
3. The Principal Chief Conservator of Forests
(Head of Forest Force)
State of Andhra Pradesh,
Aranya Bhavan, K. M. Munshi Road,
Nagarampalem, Guntur - 522 004
Andhra Pradesh.
4. The Principal Secretary,
Revenue Department
State of Andhra Pradesh,
AP Secretariat, Velagapudi,
Guntur, Andhra Pradesh - 522503.
5. The District Collector, YSR District,
Kadapa Andhra Pradesh - 516 001
6. The Divisional Forest Officer,
Proddatur (WL) Division,
Forest Complex, Yerraguntla Road,
Proddatur, YSR Kadapa District - 516 360
7. The Mandal Revenue Officer,
Mydukur Mandal, Mydukur - Badvel Road;
S. Mydukur, Andhra Pradesh - 516 172
8. Union of India,
Ministry of Environment and Forests (EF & CC),
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi - 110003

.... **Respondents**

COUNTER AFFIDAVIT FILED BY 3rd RESPONDENT

I, N. Prateep Kumar, S/o N. Kondala Rao, aged about 57 years, working as Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, Guntur, do hereby solemnly, affirm and sincerely state on oath as follows.


ATTESTOR
Assistant Conservator of Forests (PMU-II)
S/o Principal Chief Conservator of Forests
Aranya Bhavan, Guntur, A.P.


DEPONENT
Principal Chief Conservator of Forests
(Head of Forest Force)
Andhra Pradesh, Guntur

1. It is submitted that, I am working as Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh and I am the 3rd Respondent herein and as such I am well acquainted with the facts of the case and I am filing this counter affidavit on behalf of respondent 2nd also. I have perused the affidavit filed by the applicant and I deny all the allegations made therein except those that are specifically admitted hereunder.
2. It is further submitted that, the lands in Survey no. 506-B and 507 situated at Nandyalampet village are classified as Forests as per RSR of Nandyalampet Village, Mydukur Mandal. As per adangal downloaded from Meebhoomi portal, the above lands are shown as Reserve Forest. These are not notified forests. These survey numbers are not part of notified Reserve Forest in Nagasanipalli Beat of Proddatur Range, Proddatur (WL) Division and hence they are not under the control of Forest Department for its protection and conservation. (Enclosed copy of adangal downloaded from Meebhoomi portal and RSR for Survey no. 506-B and 507 of Nandyalampet Village **(Annexure - I & II)**).
3. It is submitted that the lands in question are under the control of Revenue Department, which have to initiate necessary remedial measures.
4. It is further submitted that, the Survey no. 506-B and 507 of Nandyalampet Village do not fall under notified forest lands. A joint survey by Forest, Revenue and Survey & Land Records is proposed to be taken up to assess the status as these lands are adjacent to Lankamalla Reserve Forest notified under Section 16 of Madras Forest Act 1882 **(Annexure-III)** and Machupalli Forest Block under Section 4 of A.P. Forest Act 1967 **(Annexure-IV)**.

I therefore pray that this Hon'ble Tribunal may be pleased to dismiss the above application as the same is devoid of merits and pass such other orders as deemed fit in the interest of justice.


DEPONENT


Principal Chief Conservator of Forests
(Head of Forest Force)
Andhra Pradesh, Guntur


Solemnly affirmed at A.P on
this the 18th day of November 2020
and signed here name in my
presence .
Before me


ATTESTOR
Assistant Conservator of Forests (PMU-II)
S/o Principal Chief Conservator of Forests
Aranya Bhavan, Guntur, A.P.

VERIFICATION

I, N. Prateep Kumar, I.F.S., S/o N. Kondal Rao, aged about 57 years, Occ:
Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh,
Guntur do hereby verify and state that the contents set out in the above Affidavit
are based on records and are believed to be true and correct. Hence, verified at
Guntur, on this 18th Day of November, 2020.


ATTESTOR
Assistant Conservator of Forests (PMU-II)
C/o Principal Chief Conservator of Forests
Aranya Bhavan, Guntur, A.P.


DEPONENT
Principal Chief Conservator of Forests
(Head of Forest Force)
Andhra Pradesh, Guntur

2248
17.6.21.
Government of Andhra Pradesh
Forest Department

From

Sri M. Nagarjuna Reddy, SFS
Divisional Forest Officer,
Proddatur (WL) Division

To

The Conservator of Forests
Kurnool Circle,
Kurnool.



Rc. No. 406 / 1998 - P8, Dated : 08-06-2021

Sir,

M6
Sub :- APFD - O.A. No. 195/ 2020, Dt. 12-10-2020 filed by Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board, Mydukur of Kadapa District before the Hon'ble National Green Tribunal Southern Zone, Chennai regarding encroachments to an extent of acres 304.00 in Sy. No. 506-B & 507 situated at Nandyalampet Village, S.Mydukur Mandal, YSR Kadapa District - Joint Survey and inspection conducted on 12/05/2021 by both Forest and Revenue Departments - Report submission - Regarding.

Ref :- 1) CF, Kurnool Rc. No. 3029 / 2020 - M6, Dt. 27-04-2021.
2) FRO, Proddatur Rc. No. 132 / 2014 - PDTR, Dt. 13-05-2021

It is submitted that, vide reference 1st cited, the Conservator of Forests Kurnool Circle, Kurnool requested to furnish report on joint survey to be conducted by the Forest Department with the officials of Revenue and Survey & Land Records in respect of Sy. No. 506 - B and 507 situated in Nandyalampet Village, Mydukur Mandal of YSR Kadapa District in connection with the O.A. No. 195/ 2020, Dt. 12-10-2020 filed by Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board, Mydukur of Kadapa District before the Hon'ble National Green Tribunal Southern Zone, Chennai.

In this regard, it is submitted that, the Forest Range Officer, Proddatur, Forest Section Officer, Khajipet Section of Proddatur Range along with the Tahsildar, Mydukur Mandal, Surveyor, Mydukur Mandal and Village Surveyor, Nandyalampet Village, Mydukur Mandal attended the joint survey and inspection on 12/05/2021 and submitted the report of joint inspection through the reference 2nd cited.

As per the joint survey and inspection report the following observations are made.

- 1) Sy. No. 506-B extent 38.94 acres and 507 extent 267.56 acres of Nandyalampet Village, Mydukur Mandal, YSR District are classified as "**Forest**" as per RSR of Nandyalampet Village records pertaining to Revenue Department.
- 2) As per adangal from Meebhoomi Portal of AP the Sy. No. 506-B extent 38.94 acres and 507 extent 267.56 acres of Nandyalampet Village, Mydukur Mandal are classified as "**Reserve Forest**".
- 3) Sy. No. 506-B extent 38.94 acres and 507 extent 267.56 acres of Nandyalampet Village, Mydukur Mandal, YSR District **are not part of any notified forest** in Proddatur (WL) Division.
- 4) The alleged area in O. A. No. 195 of 2020 Dt. 12/10/2020 filed by Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board, Mydukur of Kadapa District before the Hon'ble National Green Tribunal (Southern Zone), Chennai falls in Sy. No. 507 of Nandyalampet Village, Mydukur Mandal.
- 5) The alleged area is about 6.83 acres and falls in Sy. No. 507 of Nandyalampet Village, Mydukur Mandal, YSR District.

The joint survey and inspection report submitted by the Forest Range Officer, Proddatur along with map showing the boundaries of Sy. No. 506-B and Sy. No. 507 of Nandyalampet Village and 'D' sketch of Sy. No. 507 are enclosed herewith for perusal.

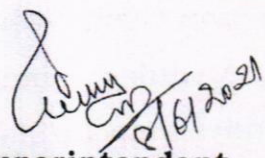
This is submitted for favour of information and necessary action.

Yours faithfully,

Encl. :- Joint survey & inspection report
along with Maps.

Sd/- M. Nagarjuna Reddy
Divisional Forest Officer
Proddatur (WL) Division.

//t.c.b.o//


Superintendent

Joint survey and inspection report of the Forests and Revenue Departments in Sy. No. 506 -B and 507 of Nandyalampet Village of Mydukur Mandal, YSR District on 12-05-2021

Today i.e. on 12-05-2021 the officers from Forest Department of Proddatur (WL) Division and Revenue Department of Mydukur Mandal, inspected the Sy. No. 506 - B and 507 of Nandyalampet Village, Mydukur Mandal, YSR District.

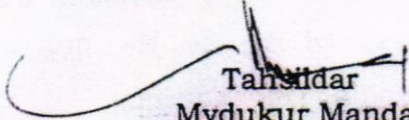
The team also inspected the alleged land in O. A. No. 195 of 2020 Dt. 12/10/2020 filed by Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board, Mydukur of Kadapa District before the Hon'ble National Green Tribunal (Southern Zone), Chennai regarding encroachments to an extent of 304.00 acres in Sy. No. 506-B and 507 of Nandyalampet Village, Mydukur Mandal, YSR District.

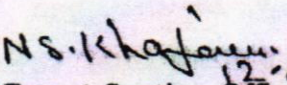
During the survey, the following observations are noticed


- 1) Sy. No. 506-B extent 38.94 acres and 507 extent 267.56 acres of Nandyalampet Village, Mydukur Mandal, YSR District are classified as **"Forest"** as per RSR of Nandyalampet Village records pertaining to Revenue Department.
- 2) As per adangal from Meebhoomi Portal of AP the Sy. No. 506-B extent 38.94 acres and 507 extent 267.56 acres of Nandyalampet Village, Mydukur Mandal are classified as **"Reserve Forest"**.
- 3) Sy. No. 506-B extent 38.94 acres and 507 extent 267.56 acres of Nandyalampet Village, Mydukur Mandal, YSR District are not part of any notified forest in Proddatur (WL) Division.
- 4) The alleged area in O. A. No. 195 of 2020 Dt. 12/10/2020 filed by Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board, Mydukur of Kadapa District before the Hon'ble National Green Tribunal (Southern Zone), Chennai falls in Sy. No. 507 of Nandyalampet Village, Mydukur Mandal

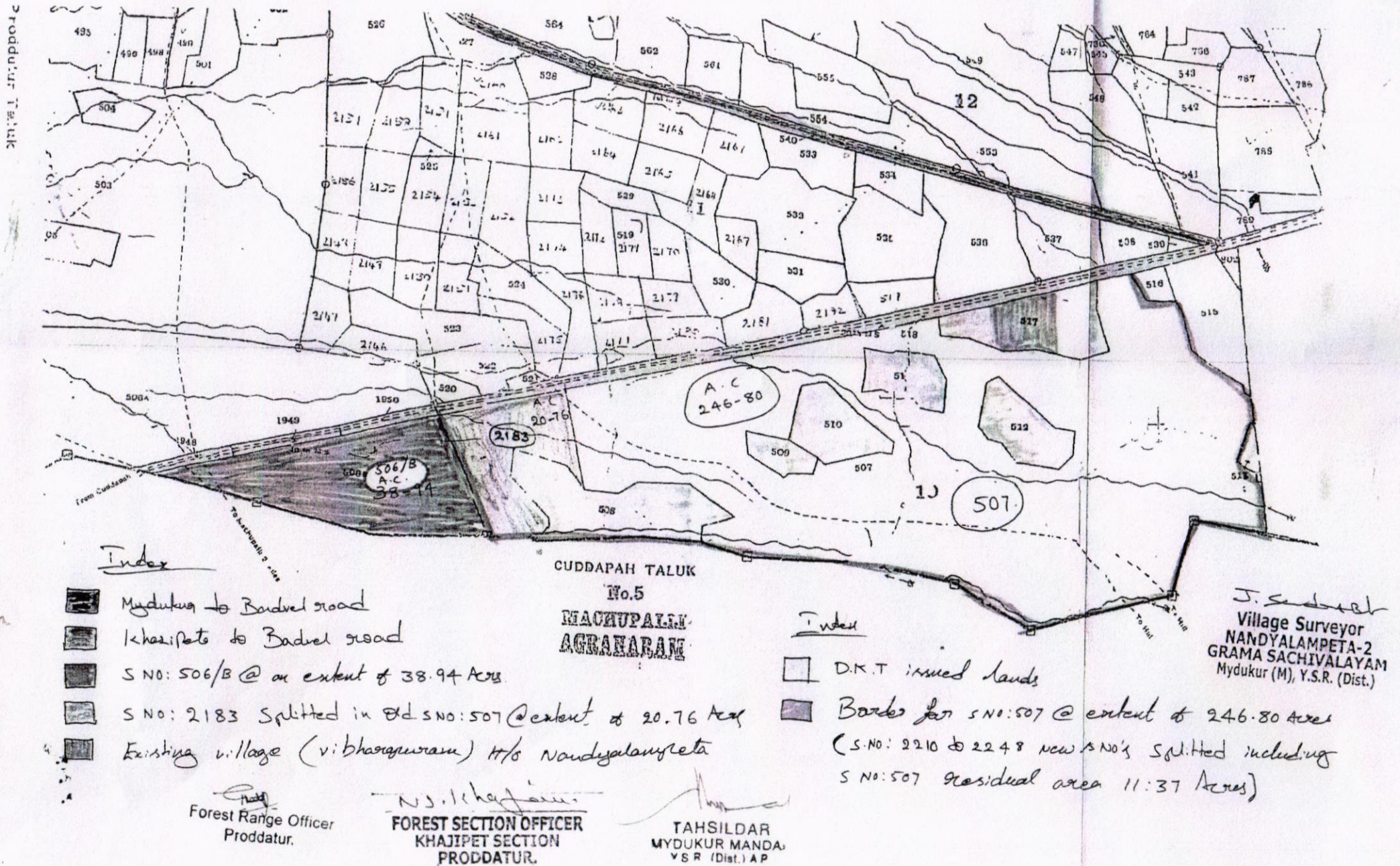
- 5) The alleged area is about 6.83 acres falls in Sy. No. 507 of Nandyalampeta Village, Mydukur Mandal, YSR District.

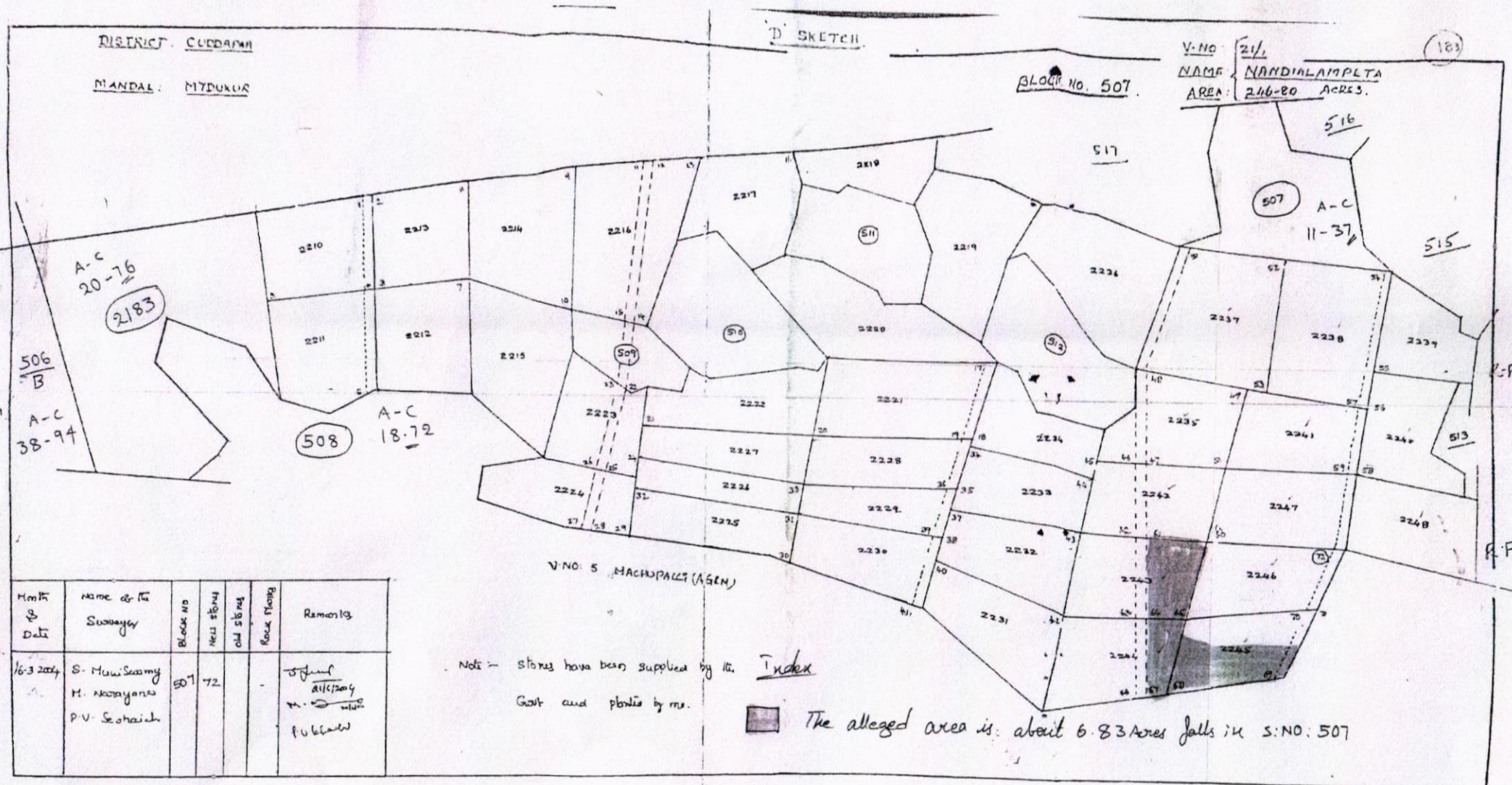

12.05.2021
Forest Range Officer
Proddatur Range


Tahsildar
Mydukur Mandal 12.5.21


12.05.2021
Forest Section Officer
Khajipet Section
Proddatur Range.


12/5/21
Surveyor
Mydukur Mandal
J. S. Subbarao
12/05/21
Village Surveyor
Nandyalampeta





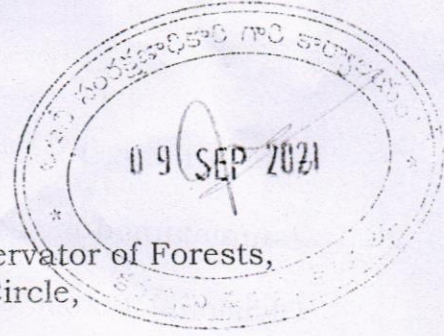
3402
13.9.21.
Government of Andhra Pradesh
Forest Department

From

Sri M. Nagarjuna Reddy, SFS
Divisional Forest Officer,
Proddatur (WL) Division

To

The Conservator of Forests,
Kurnool Circle,
Kurnool.



Rc. No. 406 / 1998 - P8, Dated : 01-09-2021

Sir,

Sub :- APFD - O.A. No. 195/ 2020, Dt. 12-10-2020 filed by Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board, Mydukur of Kadapa District before the Hon'ble National Green Tribunal Southern Zone, Chennai regarding encroachments to an extent of acres 304.00 in Sy. No. 506-B & 507 situated at Nandyalampet Village, S.Mydukur Mandal, YSR Kadapa District - Joint Survey and inspection conducted on 07/08/2021 by both Forest and Revenue Departments - Report submission - Regarding.

- Ref :- 1) CF, Kurnool Rc. No. 3029 / 2020 - M6, Dt. 27-04-2021.
2) District Collector, YSR District, Kadapa Ref. No. E6 / 2161 / 2021, Dt. 06-08-2021.
3) This office Rc. No. 406 / 1998 - P8, Dt. 08-06-2021

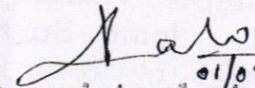
In continuation of this office reference 3rd cited, it is submitted that, the District Collector, YSR District, Kadapa have issued instructions in the reference 2nd cited to inspect the land jointly on 07-08-2021 with the Forest, Revenue and Survey & Land Records, Kadapa to study the case and to determine whether the land in Sy. No. 506-B, 507 of Nandyalampet Village of Mydukur Mandal falls in any notified forests and to prove whether the subject land is comes under attraction of the Forest (Conservation) Act 1980 or not and submit detailed joint inspection report in connection with the O.A. No. 195/ 2020, Dt. 12-10-2020 filed by Sri Putta Sudhakar Yadav, Ex-Chairman, TTD Board, Mydukur of Kadapa District before the Hon'ble National Green Tribunal Southern Zone, Chennai.

In this regard, it is submitted that, the Revenue Divisional Officer, Jammalamadugu, Assistant Director, Survey & Land Records, Kadapa, Divisional Forest Officer, Proddatur (WL) Division and Tahsildar, Mydukur Mandal attended the joint survey and inspection on 07/08/2021 and the detailed report of the joint survey and inspection report is submitted herewith for favour of information and necessary action.

Encl. :- Joint survey & inspection report
Conducted on 07-08-2021.

Yours faithfully,
Sd/- M. Nagarjuna Reddy
Divisional Forest Officer
Proddatur (WL) Division.

//t.e.b.o//


01/09/2021
Superintendent
4/9/2021

JOINT SURVEY AND INSPECTION REPORT OF THE FOREST, REVENUE AND
SURVEY DEPARTMENTS IN Sy.No. 506-B & 507 OF NANDYALAMPETA VILLAGE OF
MYDUKUR MANDAL Y.S.R. KADAPA DISTRICT ON 07.08.2021.

The teams comprising Forest Department, Revenue and Survey Departments have inspected the lands in Sy.No. 506-B ext 38.94 acres and Sy.No 507 ext 267.80 acres of Nandyalampeta village of Mydukur Mandal on 07.08.2021.

1. As per RSR the lands in Sy.No. 506-B ext. 38.94 acres and Sy.No. 507 ext. 267.80 acres of Nandyalampeta village of Mydukur Mandal stands recorded as "Forest".
2. As per Forest Department the lands in Sy.No 506-B ext. 38.94 acres and Sy.No. 507 ext. 267.80 acres of Nandyalampeta are not notified as "Reserve Forest" and also not part of Lankamalla Reserve Forest or part of Tiger corridor.
3. The then Mandal Revenue Officer of Mydukur Mandal has issued 116 Temporary D.form Pattas to the SCs of Kotha Gangavaram, Gandhi Nagar, and Varadayapalli of Nandyalampeta in Sy.No. 507 ext 150.59 acres and 6 D.Form Pattas issued in Sy.No. 506-B ext 9.00 acres of Nandyalampeta village.
4. During the inspection traces of cultivation are found to an extent of 137-00 acres in Sy.No. 507 (old) under rain fed crops.
5. An extent of 2.00 acres in Sy.No. 506-B is covered with Guava, Sapota and Mango garden.
6. An extent of 6.83 acres in Sy.No507 is covered with Mango plants with age of 1 Year.
7. 3 Bore wells are existing in Sy.No. 507 (Present two bores are functioning)
8. Barbed wire fencing is laid to an extent of 6.83 acres lands in Sy.No. 507
9. In between lands at Sy.No. 506-B and 507 the Govt. lands existing in Sy.No. 508, 509, 510, 511, 512 are existing and DKT pattas were also issued.
10. Vibharapuram village is existing adjoining to the lands in Sy.No. 507.
11. As seen from the Adangals for the fasali 1406, 1412, 1415 and 1416 the land has been entered as "forest" and also the names of certain Ryots have been entered as enjoyers/encroachers. (Copy enclosed)

12. At the time of updating the lands in Sy.No. 506-B, 507 in webland the classification of the lands have been noted as Reserve Forest instead of its original classification of forest.

1. Divisional fore Officer,
Proddatur (WL) Division

2. Revenue Divisional Officer,
Jammalamadugu.

3. Assistant Director of Survey &
Land Records, Kadapa

Tahsildar
Mydukur Mandal.



भारतसरकार
GOVERNMENT OF INDIA
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
**MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE
 CHANGE**



Integrated Regional Office, Vijayawada

Green House Complex, Gopal Reddy Road
 Vijayawada – 520010, Andhra Pradesh
 email: iro.vijayawada-mefcc@gov.in

**MOST URGENT-
 COURT MATTER**

F.No. IRO/VIJ/FCA/NGT/55-03/2021/**107**

Date 21st December, 2021

To

The Principal Chief Conservator of Forests and HoFF,
 Department of Forests and Wildlife, Govt. of Andhra Pradesh,
 Aranya Bhavan, K.M. Munshi Road, Nagarampalem Guntur-522004

Subject: O.A No 195 of 2021 in the matter, Putta Sudhakar Yadav vs. The Chief Secretary State of Andhra Pradesh and Others pending before the National Green Tribunal (Southern Zone)-reg.

Reference: Letter No.EFS02-22021/3/2020-WLR-2 dated 14.12.2021 of the O/o PCCF-cum-HoFF, Department of Forests and Wildlife, Government of Andhra Pradesh.

Sir,

This has the reference to your letter cited above on the above mentioned subject wherein, it was *inter-alia* mentioned that the land under question is recorded as forests and it is not a part of any notified forest. Hence, it is requested to clarify further that whether the land under question is a deemed forest as per the order, dated 12.12.1996 of the Hon'ble Supreme court in the WP(Civil) No.202/1995 in the matter of T.N.Godavarman Thirumalpad vs Union of India, at the earliest, for further necessary action at this end.

This being the court matter it is requested that it be dealt on top priority.

Yours faithfully,

(N.S.Murali)

Inspector General of Forests (Central)

Copy to:-

1. The Assistant Inspector General of Forest (Central), Forest Protection Division, MoEF&CC, New Delhi 110003 for information please

N.S.Murali)

Inspector General of Forests (Central)

**GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT**

From	To
Sri N.Prateep Kumar, I.F.S., Prl.Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh, Aranya Bhavan, Guntur - 522 004.	The Inspector General of Forests (Central), Government of India, Ministry of Environment, Forests & Climate Change, Integrated Regional Office, Vijayawada- 520010 Andhra Pradesh.

Rc.no. EFS02-22021/3/2020-WLR-2, Dt:26/12/2021

Sir,

Sub :-	APFD - O.A.no.195 of 2020 (SZ) filed by Sri Putta Sudhakar Yadav, vs. the Chief Secretary, State of Andhra Pradesh and others pending before the National Green Tribunal (Southern Zone) - Clarification -Regarding.
Ref: -	1. PCCF & HoFF, A.P., Guntur Rc.no. 22021/3/2020-WLR-2, Dt:14.12.2021. 2. GoI, EF&CC F.no. IRO/VIJ/FCA/NGT/55-03/2021/107, dt:21.12.2021. 3. GoI, MoEF & CC,(FCD), New Delhi, F.No.11-98/2019-(FC Division), dt.5.12.2019.

Kind attention is invited to the references cited.

Adverting to the reference 2nd cited, it is to inform that the GoI, MoEF & CC, in the reference 3rd cited, have issued clarification on "Dictionary meaning of Forests". In point (2) of the said clarification, it was explained that, ***as per the Hon'ble Supreme court judgment dt.12.12.1996 in W.P no.202/1995, the Forest (Conservation) Act, 1980 shall be applicable to all areas recorded as Forest in any Government record and any other area that has been conserved to conform to dictionary meaning of a Forests. The area recorded as Forest in any Government records, should be considered without any qualification. (copy enclosed)***

In view of the above, it is informed that the land under question i.e., Sy. no.506-B and 507 situated at Nandyalampet (V) which is classified as "Forests" as per RSR of Nandyalampet (V) of Mydukur Mandal of YSR Kadapa District, as per the order of the Hon'ble Supreme Court of India dt.12.12.1996 in WP.no 202/1995 in the matter of T.N.GodavarmanTirumalpad Vs of Union of India, attracts the provisions of Forest(Conservation) act 1980 even though, it is not a notified forest under the State Forest Act.

This is for favour of information and necessary action.

583430/2021/FOREST(SEZ)

Encl: As above

Yours faithfully,
N Prateep Kumar Ifs
Principal Chief Conservator Of

Forests



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
Integrated Regional Office, Vijayawada
Green House Complex, Gopal Reddy Road
Vijayawada – 520010, Andhra Pradesh
email: iro.vijayawada-mefcc@gov.in



**MOST URGENT-
COURT MATTER**

F.No. IRO/VIJ/FCA/NGT/55-03/2021/112

Date 30th December, 2021

To

The Principal Secretary to the Government of Andhra Pradesh,
Environment, Forests, Science & Technology Department,
Government of Andhra Pradesh, Room No.268, 1st Floor, 4th Block,
Andhra Pradesh Secretariat, Velagapudi, Amaravati Guntur District-522503

Subject: O.A No 195 of 2021 in the matter, Putta Sudhakar Yadav vs. The Chief Secretary State of Andhra Pradesh and Others pending before the National Green Tribunal (Southern Zone)-reg.

Reference: 1. Letter No.EFS02-22021/3/2020-WLR-2 dated 14.12.2021 of the O/o PCCF-cum-HoFF, Department of Forests and Wildlife, Government of Andhra Pradesh.
2. The Integrated Regional Office, Vijayawada letter No IRO/VIJ/FCA/NGT/55-03/2021/ 107 dated 21.12.2021
3. Letter No.EFS02-22021/3/2020-WLR-2 dated 26.12.2021 of the O/o PCCF-cum-HoFF, Department of Forests and Wildlife, Government of Andhra Pradesh.

Sir,

With reference to the subject and reference cited above, it is to inform that, this office vide reference cited at (2) above requested the PCCF (HoFF) Andhra Pradesh to clarify that whether the land under question under the subject court case is a deemed forest as per the order, dated 12.12.1996 of the Hon'ble Supreme court in the WP No.202/1995 in the matter of T.N.Godavarman Thirumalpad vs Union of India.

2 The PCCF, HoFF, Andhra Pradesh vide reference cited at (3) above, informed to this office that **“the land is question i.e Sy.no.506 B & 507 of Nandyalampet Village which is classified as “Forest” as per RSR of Nandyalampet Village of Mydukur Mandal of YSR Kadapa District and reported that as per the order of the Hon'ble Supreme court of India dated 12.12.1996 in the WP(Civil) No.202/1995 in the matter of T.N.Godavarman Thirumalpad vs Union of India, attracts the provisions of Forest (Conservation) Act, 1980 even though, it is not a notified forest under the State Forest Act”**

3 In view of the information provided by the PCCF, HoFF as mentioned in para (2) above, it is requested to furnish a detailed report on the following;

- a. Whether or not the State Government authority issued any such order (s) to the person / organization etc to allow them to utilize area in question (i.e Sy.no.506 B & 507 of Nandyalampet Village of Mydukur Mandal of YSR Kadapa District) for non-forestry activities without obtaining prior approval of competent authority under FCA, 1980. **If any, detailed report may please be submitted along with supporting documents;**
- b. The comments of the State Government made under the subject court case may also be furnished;

This being the court matter, be dealt on top priority.

Yours faithfully,



(N.S.Murali)

Inspector General of Forests (Central)

Copy to:-

1. The Principal Chief Conservator of Forests and HoFF, Department of Forests and Wildlife, Govt. of Andhra Pradesh, Aranya Bhavan, K.M. Munshi Road, Nagarampalem Guntur-522004
2. The Assistant Inspector General of Forest (Central), Forest Protection Division, MoEF&CC, New Delhi 110003 for information please.



N.S.Murali)

Inspector General of Forests (Central)