

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

Application No.62 of 2016 (SZ)

Applicant (s)

Respondents

Human Rights & Consumer Protection
Cell Trust
Regd. No. 1/IV/2014
Rep. By its Chairman,
Thakur Rajkumar Singh,
Hyderabad and others

Vs. The State of Telangana
Rep. By its Chief Secretary,
Hyderabad,
Telangana State and others

Legal Practitioners for Applicant (s)

Legal Practitioners for Respondents

Mr. Thakur Rajkumar Singh

Mrs. H. Yasmeen Ali for R1, R2, R4 & R5
Mr. T. Sai Krishnan for R3
M/s. Rajasekar, R. Saravanan for R7 & R8
M/s. Rohan Cherian for R9
Mr.M.V. Pratap Kumar for R10
Mr.Abdul Saleem & Taavrs Associates for R11
M/s..M.V. Durga Prasad,
& T.Rathna Kumar for R12
M/s. Krishna Ravindran
Charles Drawin, S.Praveen Kumar for R13

Application No.61 of 2015 (SZ)

Applicant (s)

Respondents

Human Rights & Consumer Protection
Cell Trust
Rep. By its Chairman,
Telangana State and others

Vs. The State of Telangana
Rep. By its Chief Secretary,
Hyderabad,

Legal Practitioners for Applicant (s)

Legal Practitioners for Respondents

Mr. Thakur Rajkumar Singh
Party in person

Mrs. H. Yasmeen Ali for R1, R5 to R7
Mr. T. Sai Krishnan for R3
M/s.Ramesh Ganapathy, Deepan
Chakkaravarthy, Kalpana Saridevi
Chandralekha for R4

| Note of the Registry | Orders of the Tribunal |
|----------------------|---|
| Item No. 8 & 9 | <p data-bbox="391 271 797 311">Date: 19th September, 2017</p> <p data-bbox="391 344 1385 532">In Application No.61 of 2015, the learned counsel appearing for the 4th respondent has filed reply after serving copy to the learned counsel appearing for the applicant as well as on the other side.</p> <p data-bbox="391 564 688 604">M.A.No.153 of 2017</p> <p data-bbox="391 637 1385 1190">In Main Application No.62 of 2016, the applicant in M.A. who got himself impleaded as 16th respondent in the Main Application No.62 of 2016 in M.A.No.120 of 2017 as per order dated 18.08.2017 passed by this Tribunal, has filed the present M.A. for a direction against the HMDA to consider the application for approval of Layout as under similar circumstances, we have given directions to HMDA to consider those applications which are pending and pass orders in accordance with law.</p> <p data-bbox="391 1223 1385 1857">It is brought to the notice of this Tribunal that HMDA is keeping the application pending without considering stating that the place wherein construction sought to be put up, is obstructing a Nalla which drains into Mellacheruvu. However, the learned counsel appearing for the applicant would submit that the applicant in M.A. who is a Developer, is in occupation of this area concerned for more than 10 years. In these circumstances, we direct the HMDA to consider the application stated to have been filed by the applicant in M.A. for approval of Layout, on merit and in accordance with law and pass</p> |

appropriate orders ensuring that the construction is not taken up encroaching the Nalla which drains rain water in Mellacheruvu. With the above direction, M.A.No.153 of 2017 stands disposed.

In so far as the Software Engineers Employees Housing & Welfare Association which is respondent No.15 (21) in the Main Application No.62 of 2016 it is stated that they have put up the construction and the members of the Association are already residing for the past many years and it is the case of Mr.A.Selvendran, learned counsel appearing for the said respondent that the Association which has put up the construction in Survey No.6 and 7 Osmanagar is not a water body, even though the FTL map prepared on 29.09.2007 states that part of construction is falling under buffer zone and it is therefore water body and building construction is to be prohibited.

It is the case of the learned counsel that the area has already been gifted by a Gift Deed dated 22.12.2010. The Executive Engineer (EE), I.B.Division, Sangareddy, who is also one of the signatories of the FTL map certified on 29.09.2007 shows that these survey Nos. are connected with the waterbody but the same EE has chosen to state in the year 2016 that the construction is above FTL. The Executive Engineer in his letter dated 27.08.2016 addressed to The Metropolitan Commissioner, Director Planning-I, HMDA, Hyderabad stating that the "compound wall is being constructed

around the above survey nos. It is to submit that as per the present ground position in S.Nos. 5/A, 5/E, 5R, 5/RW, 6/A, 6/AA, 7/A and 7/AA the entire land is more than 1 meter above FTL". Therefore, the report of the said Executive Engineer is different on two occasions. In view of the same, we direct Mr.P.Ramulu, Executive Engineer, I.B. Division, Sangareddy to be present in the Tribunal with all records and explain about the discrepancies on the next date of hearing.

Post these applications on 11.10.2017

....., JM
(Justice Dr. P. Jyothimani)

.....,EM
(Shri P.S. Rao)

