

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

Original Application No.100 of 2022

Akula Satish

.....Applicant

--Vs--

State of Telangana & Ors

.....Respondents

REPLY OF THIRD RESPONDENT-HMDA

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Place: Hyderabad

Date: 05.01.2022

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

IN

Original Application No. 100 of 2022 (SZ)

AKULA SATISH

...Applicant

Versus

STATE OF TELANGANA & ORS
Respondent

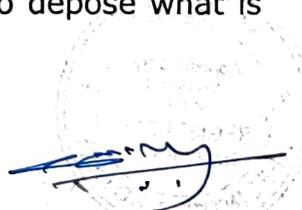
REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.3,
HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY

MOST RESPECTFULLY SHOWETH:

I, G.Shiva sharanappa S/o.G.Veeranna aged about 59 years, presently working as Director Planning-II , HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY do hereby, solemnly affirm and state on oath as follows:

1. I am the Director Planning-II in the Hyderabad Metropolitan Development Authority and therefore, I am competent to depose what is stated herein below.




DIRECTOR PLANNING
Hyderabad Metropolitan Development Authority

2. It is submitted that I have gone through the record pertaining and I have read the contents of the present application and that the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.

3. That the Applicant filed this application requesting to conduct detailed assessments on the adverse affects on Visukavani Cheruvu/Lake due to the illegal constructions by private respondents. The said lake is preliminarily notified, located in Sy.no:18,19 & 20 of Kazipally Village, Jinnaram Mandal vide Lake vide ID No:1000/EN/02 on Dt:16.07.2016-and the final notification is yet to be issued.

4. At the outset this Respondent brings the following facts to the notice of the Hon'ble Tribunal that – This office has received the following two applications through online for sanctioning of development permissions:

I). M/s JNS Infrastructures Rep by Appireddy Dodda & Others have applied for layout open plotted permission vide file no: 016380/SKP/LT/U6/HMDA/16102018 in Sy.no: 183, 184 & 185 of Kazipally Village ,Jinnaram Mandal.

Accordingly, the said proposal was processed based on the documents submitted by the applicant and examined in terms of

Master Plan Zoning Regulations approved by the Government vide




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G.O.MS No:33MA Dt:24.01.2013 and layout rules in force. And the prima facie ownership aspects were cleared.

The said applicant had submitted the No Objection Certificat  issued by the Irrigation and Revenue department vide Lr .no: EE/IB/SRD/HD-1/3047 Dt:25-01-2018 in which it states that the Sy.no:185 is partly coming in FTL and buffer zone, Sy.no:183 and 184 are free from FTL and Buffer zone, as per the said NOC issued an extent of 0.13Gts is covered in FTL and 0.17Gts is covered in Buffer in Sy.no:185 of Kazipally village,Jinnaram Mandal. (Annexure-I)

Based on the above NOC issued by the Irrigation and Revenue department, the proposal is processed and the applicant had shown the buffer as per the said NOC. And after scrutiny of the proposal in terms of master plan zoning regulations and layout rules the proposal is considered after fulfillment of precedent conditions , the proceeding and Plans were released vide Lr .no: 016380/SKP/LT/U6/HMDA/16102018 Dt:05.10.2019 through the Executive Authority Kazipally Gram panchyath as per procedure.

And the said applicant had applied for Final layout after completion of developmental works after fulfilling the precedent conditions and the same was examined and the proceedings and plans were

Released vide Lr.no: 036500/LT/ZOC/FLT/U6/HMDA/14062020
 03.16.09.2020 through local body as per procedure.




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 Hyderabad Metropolitan Development Authority

Further certain applications were also received by this office requesting to grant Multistoried Building permission from three (3) different companies and the details are as follows:

II) Proposal vide file no: 024337/ZOC/R1/U6/HMDA/03062019 received from Edifice Homes India Private Limited and others in Sy .Nos: 63P, 68P, 69P, 70P of Shambupur Village, Dundigal Mandal to an extent of Net area : 18272.67Sq.mtrs consisting of 2Cellars+Stilt+12upper floors. It is noticed that the said proposed site is located in the Eastern side of the Visukavani cheruvu .The said proposal was examined in terms of Master Plan Zoning Regulations and other building rules in force and the prima facie ownership aspects were also cleared and the proceedings and plans were released vide Lr .no: 024337/ZOC/R1/U6/HMDA/03062019 Dt: 06.08.2020 through the Municipality as per due procedure.

III) Proposal vide file no: 042508/MED/R1/U6/HMDA/02022021 received from ESTEEM VILLAS PVT LTD REP BY SOURABH MODI, STERLING AVENUES PVT. LTD., EDIFICE HOMES INDIA PVT. LTD in Sy .Nos: 63/P, 64/P, 65/P, 66, 67/P, 68/P, 69/P of Shambupur Village,Dundigal Mandal to an extent of Net area : 19961.12 Sq.mtrs consisting of 2Cellars+Stilt+12upper floors. It is noticed that the said proposed site is located in the Eastern side of the

Visukavani cheruvu The said proposal was examined in terms of Master Plan Zoning Regulations and other building rules in force and



the prima facie ownership aspects were also cleared and the proceedings and plans were released vide Lr .no: 042508/MED/R1/U6/HMDA/02022021 Dt: 31.07.2021 through the Municipality as per due procedure.

5. It is submitted that pursuant to the adverse news item published in daily news paper Dt:08.11.2021 that alleged encroachments were made in the FTL / Buffer zone of New Visukavani cheruvu, this Respondent has addressed a letter to concerned local body vide Lr.no: 2927/MED/PLG/HMDA/2021 Dt:18.11.2021 and instructed the Municipal Commissioner Dundigal Municipality- Local Body to inspect the alleged area (details) and verify that if any construction have come up in FTL /Buffer area of water body and take necessary action against the unauthorized developments and submit the compliance report, since, the powers were delegated to them. For which no reply is received till date.

6. It is submitted that this Respondent Authority have delegated the powers to Local body vide Lr.no: 1803/Policy/Plg/HMDA/2020 and under section 52(1) of HMDA act 2008 the Municipal Commissioners for the concerned Municipalities are responsible for the detection of unauthorized developments and to initiate enforcement action on them. It is the responsibility of the local body to initiate the enforcement action against unauthorized constructions.




 DIRECTOR PLANNING
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encroachments are made in the FTL/Buffer zone of New Visukavani cheruvu and take action against them, since the powers are delegated to them vide Lr.no: 1803/Policy/Plg/HMDA/2020 as per which they shall take necessary action to prevent the unauthorized constructions and initiate enforcement action on them if any. Further as per the provisions of Municipal Act.11/2019,Sec 178 the Commissioners are empowered to detect and monitor the unauthorized constructions and to take timely enforcement action against them in the manner as prescribed. For which no reply is received till date.

11. In response to the said letter, the Irrigation Department Officials **(Executive engineer inspected the alleged site (along with Revenue and Irrigation officials of Sanga Reddy District along with Revenue officials of Gandimaisamma –Dundigal)** and submitted the report vide Lr.no: EE/IrrgDivn No.1/HYD/DB/DEE-T/AEE/D3/2021-22/2110 Dt:03.11.2021 .Further stated that part of Visukavani Cheruvu/water body FTL land i.e Sy.no:18,19 & 20 falls in Mallampet village and part of the FTL falls in Dundigal Mandal and noticed that illegal constructions were going on in FTL of New Visaka cheruvu.

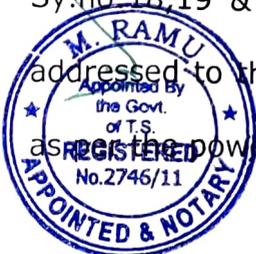
12. It is submitted that this Respondent Authority have also addressed a letter vide **:2927/MED/PLG/HMDA/2021 Dt:18.11.2021** to the Commissioner- **(Dundigal)** Municipality to verify whether any encroachments are made in the FTL/Buffer zone of New Visukavani



cheruvu and take action against them, since the powers are delegated to them vide Lr.no: 1803/Policy/Plg/HMDA/2020 as per which they shall take necessary action to prevent the unauthorized constructions and initiate enforcement action on them if any. Further as per the provisions of Municipal Act.11/2019,Sec 178 the commissioners are empowered to detect and monitor the unauthorized constructions and to take timely enforcement action against them in the manner as prescribed. For which no reply is received.

13. Further the concerned municipality had addressed a letter to the Additional Collector (Local bodies) Medchal-Malkajgiri District vide Lr.no:63/DM/TPS/MMD/2021 Dt:21.12.2021 with a copy to Respondent Authority in which it was mentioned that the Edifice site is at least 500Mtrs away from the Viska vani cheruvu .

14. It is submitted that the AEE, Jinnaram Irrigation **(Asst Executive Engineer)** further informed that they have lodged a complaint in P.S IDA Bollaram on **(Dt:13.11.2021 FIR No:165/2021)** that some persons are unauthorizedly filling the murrum(mud) in Sy.no:188,189 and 190 and further constructions are under FTL/Buffer zone of Visakha Vani cheruvu and noticed that some villas are being constructed in Sy.no:18,19 & 20 is part of FTL of said Lake / cheruvu. A Letter was addressed to the Commissioner with a request to take necessary action as per the powers delegated to them, a copy of the said letter is marked



to the Executive Engineer, Irrigation Department -Sanga Reddy District and Tahsildar –Medchal Revenue Department.

15. It is humbly prayed the Hon'ble Tribunal may be pleased to take this reply on record and into consideration and pass appropriate direction/s as deemed fit and proper under the facts and circumstances of the present case which this Respondent shall duly comply with.

16. That other/ancillary issues raised in the application under reply do not pertain to the Respondent. This Respondent seeks crave leave to make additional submissions, if required, during the course of the proceedings.

Counsel for Respondent

3rd Respondent
 DIRECTOR PLANNING
 Hyderabad Metropolitan Development Authority

Solemnly affirmed at Hyderabad on this the
5th day of January 2023 and signed
 his name in my presence.

Before Me

Advocate
 ::Hyderabad



VERIFICATION

I, G.Shiva Sharanappa S/o. G. Veeranna, Director, Planning-II,
HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY, the 3rd
respondent herein do hereby verify that what are all stated above are
true and correct to the best of my knowledge, information and belief.

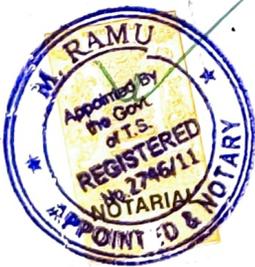
Verified at Hyderabad on this the 5th day of January, 2023


3rd Respondent
DIRECTOR PLANNING
Hyderabad Metropolitan Development Authority

ATTESTED


M. RAMU

M.A. B.L. B.Ed. D.C.A.,
ADVOCATE & NOTARY
Appointed by the Govt. of T.S
Commission Expires on 25/12/2026
B.H.E.L. Old MIG-1523
Ramachandrapuram, Hyderabad-32.





From :-

Sri P. Ramulu, B.E.,
Executive Engineer,
I.B. Division, Sangareddy.

Lr.No. EE/IB/SRD/HD-1/ 3047

To,
Sri.K. Jaganmohan Reddy,
Patancheru (V)& (M).

Dated: 24-01-2018.

Gentlemen,

Sub:- Request for Issue of No Objection Certificate for HMDA clearance. Sy. No. Sy. No. 183,184 and 185 – Extent : Ac: 04-23 Gts – Khajipalli Village of Jinnaram Mandal – NOC Issued -Reg.

Ref: - 1) Application of Sri K. Jaganmohan Reddy, R/o Patancheru's letter Dated : 14-12-2017.
2) DEE IB Sub Division Patancheru's Lr.No: DEE/IB/ PTC/383 ; Dt : 24 -01-2018.

With reference to subject cited above, K. Jaganmohan Reddy, R/o Patancheru has filed an application for issue of NOC for Sy. No. 183,184 and 185, of Khajipalli Village of Jinnaram Mandal to furnish NOC from Irrigation Department for HMDA clearance and the copy forwarded to the to this office to submit detailed report vide ref. 1st cited above.

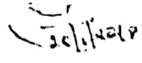
The DEE IB Sub Division, Patancheru has reported that the site is inspected along with AEE IB Section, Jinnaram and Mandal surveyor and reported that Sy. No. 183 (Ac. 01-16 Gts), 184 (Ac. 01-18 Gts) and 185 (Ac. 02-19 Gts), Extent : Ac: 05-13 Gts are adjacent to FTL Visakavanicheru Khajipalli Village of Jinnaram Mandal in which Sy.No. 185 is partly coming in FTL and buffer zone, Sy. No. 183 and 184 are free from F.T.L. and buffer zone. The necessary plan prepared by the revenue department in which buffer zone of 9.00 meters shown as per rules in vogue is also attested. The Deputy Executive Engineer recommended to issue NOC for Sy. No. 183,184 and 185, of Khajipalli Village of Jinnaram Mandal, Extent : Ac: 05-13 Gts subject to conditions of the Irrigation Department duly deducting FTL and buffer zone area of Ac. 00-30 Gts.

This NOC is issued for the Town and Country Planning clearance purpose only on the following terms and condition.

1. The NOC is issued on the request on the applicant and he is solely responsible for the contents made in the application.
2. The grant of NOC cannot be construed that the contents of the application are ratified or confirmed by the authorities under the act.
3. It does not confer any right, title or ownership to the applicant over the scheduled property.
4. The authorities reserve the right to cancel the NOC, if it is found that the permission is obtained by fraud, misrepresentation or by mistake of fact.
5. The free flow of water course should not be obstructed.

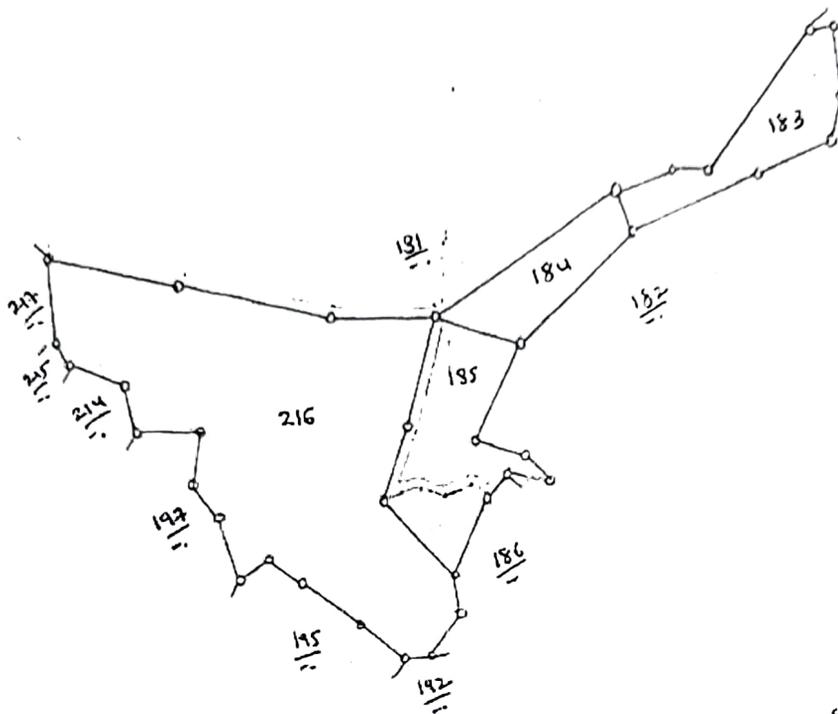
Encl: Sketch map- 1 No.

Yours Truly


Executive Engineer,
I.B. Division, Sangareddy

Scanned with CamScanner

Location map of FTL Joint Survey of sy nos:-185 situated at Vill:- Khajigally mde:- Jimmarum, Dist:- Sangareddy



Scale: 16" = 1 mile
 Vill: Khajigally
 mde: Jimmarum
 Dist: Sangareddy

	<u>Sy. No</u>	<u>Extent</u>	<u>Remarks</u>
□	185 part	AC 0-17 gjs	Covered by FTL.
□	185 part	AC 0-13 gjs	Covered by Butter Zone.
□	216	Igabavuni chettu.	

Executive Engineer, I & CAD
 LB. DIVISION, SANGAREDDY

[Signature]
 Dy. Executive Engineer
 I B. Sub-Division, Palancheru

Prepared by

[Signature]
 IANDAL SURVEYOR,
 JIMMARUM IANDAL
 SANGAREDDY DISTRICT

[Signature]
 వ్యవహార
 అధికారి

From
Sri M.Hanumantha Rao, I.A.S.,
District Collector,
Sangareddy

To
The Metropolitan Commissioner,
Hyderabad Metropolitan
Development Authority,
Administrative Block, District
Commercial Complex,
Tarnaka, Hyderabad

Lr.No.D1/2663/2018, Date: 07.05.2019

Sir,

Sub: - NOC - Sangareddy Dist. - Jinnaram (M) - Khajipalle (V) - Request for issue of NOC for obtaining Layout Approval from HMDA, Hyderabad in respect of land in Sy.No.183, 184 & 185 of Khajipalle (V) Jinnaram (M) - Report submitted - Reg.

Ref: - 1) A/o Sri Divaker Chitla representing partner of JNS Infrastructure R/o H-No.3-20/14, Plot No.14, Manvithas Brinda, Mallampet Village, Medchal- Malkajgiri District dated 15.12.2018

2) Revenue Divisional Officer, Sangareddy Lr.No.A2/9113/2018, dated 24.01.2019

3) Assistant Director, Survey & Land Records, Sangareddy Lr.No.A2/1460/2019, dated 12.02.2019

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I invite kind attention to the reference 1st cited, through which the applicant Sri Divaker Chitla representing partner of JNS Infrastructure R/o H-No.3-20/14, Plot No.14, Manvithas Brinda, Mallampet Village, Medchal- Malkajgiri District has requested for issue of No Objection Certificate for obtaining Layout Approval from HMDA, Hyderabad in respect of lands in Sy.No.183, 184 & 185 of Khajipalle Village of Jinnaram Mandal.

In this regard, a report has been obtained from the Revenue Divisional Officer, Sangareddy vide reference 2nd cited, wherein it has been reported that, a Joint Inspection has been conducted over the lands in Sy.No.183, 184 & 185 of Khajipally Village of Jinnaram Mandal along with Irrigation Officials on 18.01.2019 during which it was observed that, the Sy.No.183 (1.16), 184 (1.18) & 185 (2.19) are adjacent to the FTL of Visakavani Cheruvu water body of Khajipally of Jinnaram Mandal in which the Sy.No.185 is parting coming under the FTL and Buffer Zone and the Sy.No.183 & 184 are free from FTL and Buffer Zone. The details are as under.

Sl.No	Sy.No.	Total Extent (Acs.Gts)	Extent covered under FTL (Acs.Gts)	Extent covered under Buffer Zone (Acs.Gts)	Balance Land (Acs.Gts)
1	183	1.16	0.00	0.00	1.16
2	184	1.18	0.00	0.00	1.18
3	185	2.19	0.13	0.17	1.29
Total		5.13	0.13	0.17	4.23

-Contd...2

The Revenue Divisional Officer, Sangareddy further reported that, the subject matter lands are Inam Lands and Patta Certificate has been issued vide RDO, Medak Proc.No.H/484/2006 dated 16.01.2006 and the lands are converted into Non-Agriculture lands vide RDO, Sangareddy Proc.No.A2/6544/2018 dated 31.08.2018 and further submitted that, there are no legal litigations in the subject land.

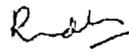
The Assistant Director, Survey & Land Records, Sangareddy vide reference 3rd cited, submitted a report stating that, as per Sethwar the Survey Numbers 183, 184 & 185 of Khajipalle Village of Jinnaram Mandal are Patta.

It is further submitted that, the Executive Engineer, I.B Division, Sangareddy issued No Objection Certificate in respect of lands in Sy.No.183, 184 & 185 of Khajipalle Village of Jinnaram Mandal in favour of one Sri K.Jaganmohan Reddy, Patancheru Village and Mandal wherein it is stated that, during inspection of the said lands it is found that, the total area of the land in Sy.No.183 (1.16), 184 (1.18) & 185 (2.19) is Ac 5.13 Gts situated at Khajipalle Village of Jinnaram Mandal which is adjacent to Visakavanicheru of Khajipalle Village and the land in Sy.No.185 is partly under FTL and Buffer Zone to an extent of Ac 0.30 Gts.

This is submitted for favour of information and to take necessary action.

Yours faithfully,
Sd/-
District Collector,
Sangareddy

//Attested//


District Revenue Officer,
Sangareddy



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