

**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

INDEX

Sl.No	Particulars	Page No
1.	Reply to order issued in NGT Case No.100 of 2022 dated 17.01.2023	1

Place: Hyderabad

Date: 28.02.2023

Reply to Orders issued in NGT Case No:100 of 2022 Dt: 17.01.2023

In compliance to the orders issued by NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI dated 17.01.2023, in Original Application no: 100/2022 (SZ), the following are submitted: -

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

The site u/r is earmarked for Special Development use zone as per the notified Master plan - 2031 approved by the Government vide G.O.MS No:33MA Dt:24.01.2013 the proposed activity is permissible at normal course.

The applicant had submitted the No Objection Certificate issued by the Irrigation and Revenue department (District collector ,Sanga Reddy) vide Lr .no: EE/IB/SRD/HD-1/3047 Dt:25-01-2018 in which it states that the (i) Sy.no:185 of Kazipally village is partly coming in FTL and buffer zone , (ii) Sy.no:183 and (iii) Sy.no 184 are free from FTL and Buffer zone, and shall maintain a buffer zone to an extent of 30Gts in Sy.no:185 of Kazipally village and Lr.no:D1/2663/2018 Dt:07/05/2019 issued by Revenue Department to an extent of 0.13Gts is covered in FTL and 0.17Gts is covered in Buffer and balance land to an extent of Ac 4.23 Gts is free from FTL and Buffer of said lake (visukavani cheruvu).

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 was 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 panchayat as per procedure.

And the applicant had applied for Final layout after completion of developmental works and 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 Dt:16.09.2020 through local body as per procedure.

Further certain applications were also received by this office requesting to grant Multistoried Building permission and the details are as follows:

- b) 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 Shambhipur Village, Dundigal Mandal to an extent of Net area: 18272.67Sq.mtrs consisting of 2 Cellars+ 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.

The site u/r is earmarked for Special Development use zone as per the notified Master plan - 2031 approved by the Government vide G.O.MS No:33MA Dt:24.01.2013, the proposed activity is permissible at normal course,

As per the preliminary notification Dt:16.07.2012 of the New visukavanicheruvu situated at Kazipally Village ,Jinnaram Mandal ,the survey numbers in which above said permission is granted are not affected by the FTL/ Buffer Zone of the said lake .

- c) 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 Shambhipur 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 Visukavanicheruvu .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.

The site u/r is earmarked for Special Development use zone as per the notified Master plan - 2031 approved by the Government vide G.O.MS No:33MA Dt:24.01.2013 and the proposed activity is permissible at normal course,

As per the preliminary notification Dt:16.07.2012 of the New visukavani cheruvu situated at Kazipally Village ,Jinnaram Mandala ,the survey numbers in which above said permission is granted are not affected by the FTL/ Buffer Zone of the said lake .

Further it is to submit that as per Internal Note No:49/DPII/HMDA/2011 Dt:06.08.2011 it is here by instructed that in respect of all the site located within 200mtrs of lakes/water bodies(10Ha and above), prior clearance certificate from the Irrigation Department and Revenue Department is required.

In both the above said cases the distance between the water body boundary and the Site u/r is more than 200Mtrs.

NEW VISUKAVANI CHERUVU:

The said lake is preliminary notified with Lake Id: 1000/EN/02 situated at Kazipally Village, Jinnaram Mandal.

The copies of cadastral maps and plan of New viska cheruvu are annexed.

The copies of village maps of Shambupur, Mallampet and Kazipally village available with this office are here with annexed.

In view of the above a U.O Note is addressed to the lakes division of this office vide Lr .No: NGT/100 of 2022 Dt:25.01.2023 requesting to give clarification whether any corrections are carried out with regard to cadastral map of Visukavani cheruvu.

In response to the same the Executive Engineer , Lakes Protection committee of this office has addressed a Letter to the District Collectors Sanga Reddy and Medchal-Malkajgiri District with a copy to Chief Engineer Irrigation ,Sanga Reddy and Medchal-Malkajgiri District, Vide Lr.No:O.A No.100/NGT/HMDA/LPC/2022 Dt: 27.01.2023 with a request to conduct resurvey with regard to Visukavani Cheruvu with reference to the existing surplus weir of the Visukavani Cheruvu (Lake Idno.1000/EN/02) as per the guidelines of Lakes Protection Committee.

HMDA has not yet received the resurvey report from the concerned Collectors.


15-02-23
APO(DK)


CPO(YR)

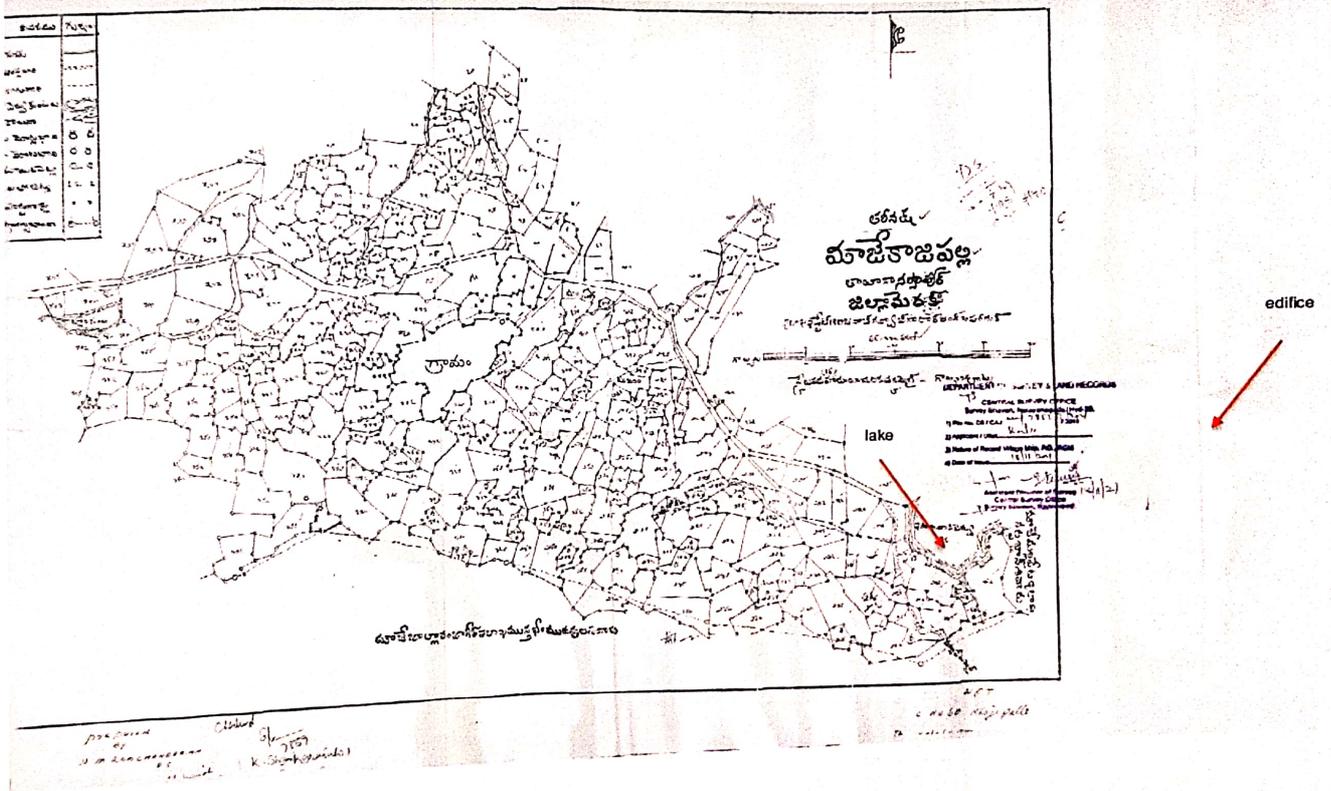

15/2/2023
Director Plg-II

Annexure:

- 1) Village Map of Shambupur
- 2) Village Map of Kazipally
- 3) Village Map of Mallampet
- 4) Cadastral Map of Irrigation Department
- 5) Village Map showing three villages (Shambupur, Kazipally and Mallampet)
- 6) HMDA New Master plan
- 7) HMDA old Master plan
- 8) Topo sheet
- 9) Letter addressed to District Collectors (Sanga Reddy and Medchal-Malkajgiri) to conduct resurvey
- 10) Copy of Final Layout issued in Sy.no:183,184 and 185 of Kazipally Village to M/s. JNS Infra.
- 11) Internal Note no:49/DP-IIHMDA/2011 Dt: 06.08.2011

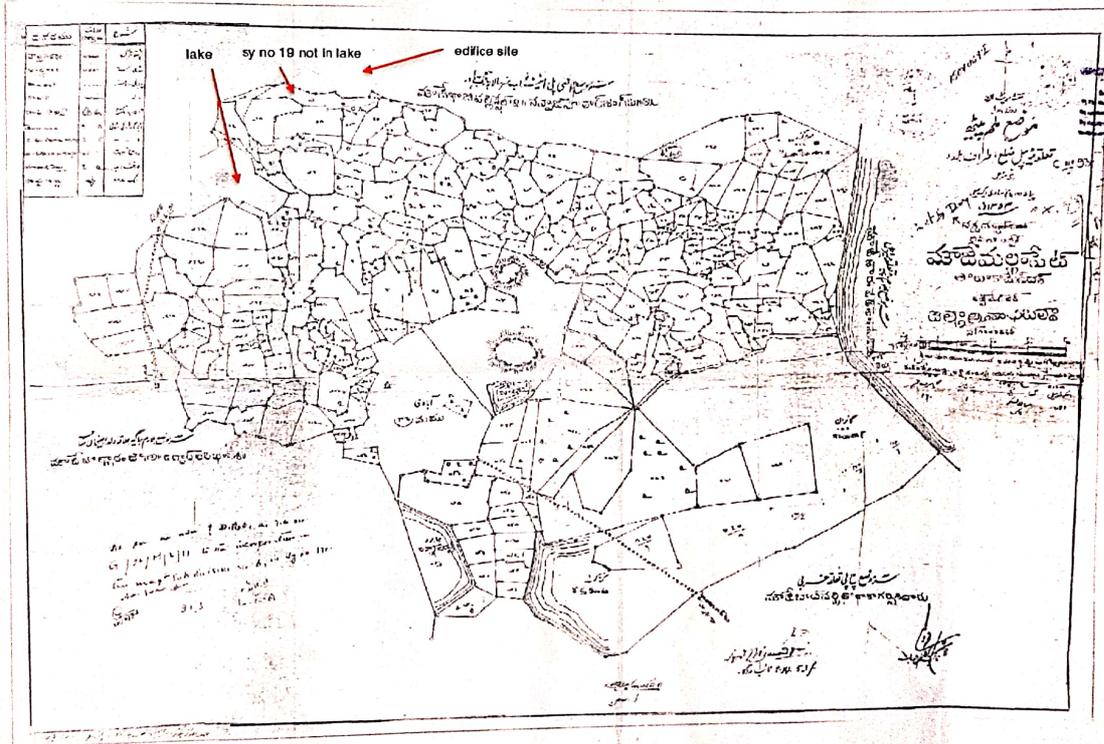


VILLAGE MAP – KAZIPALLY



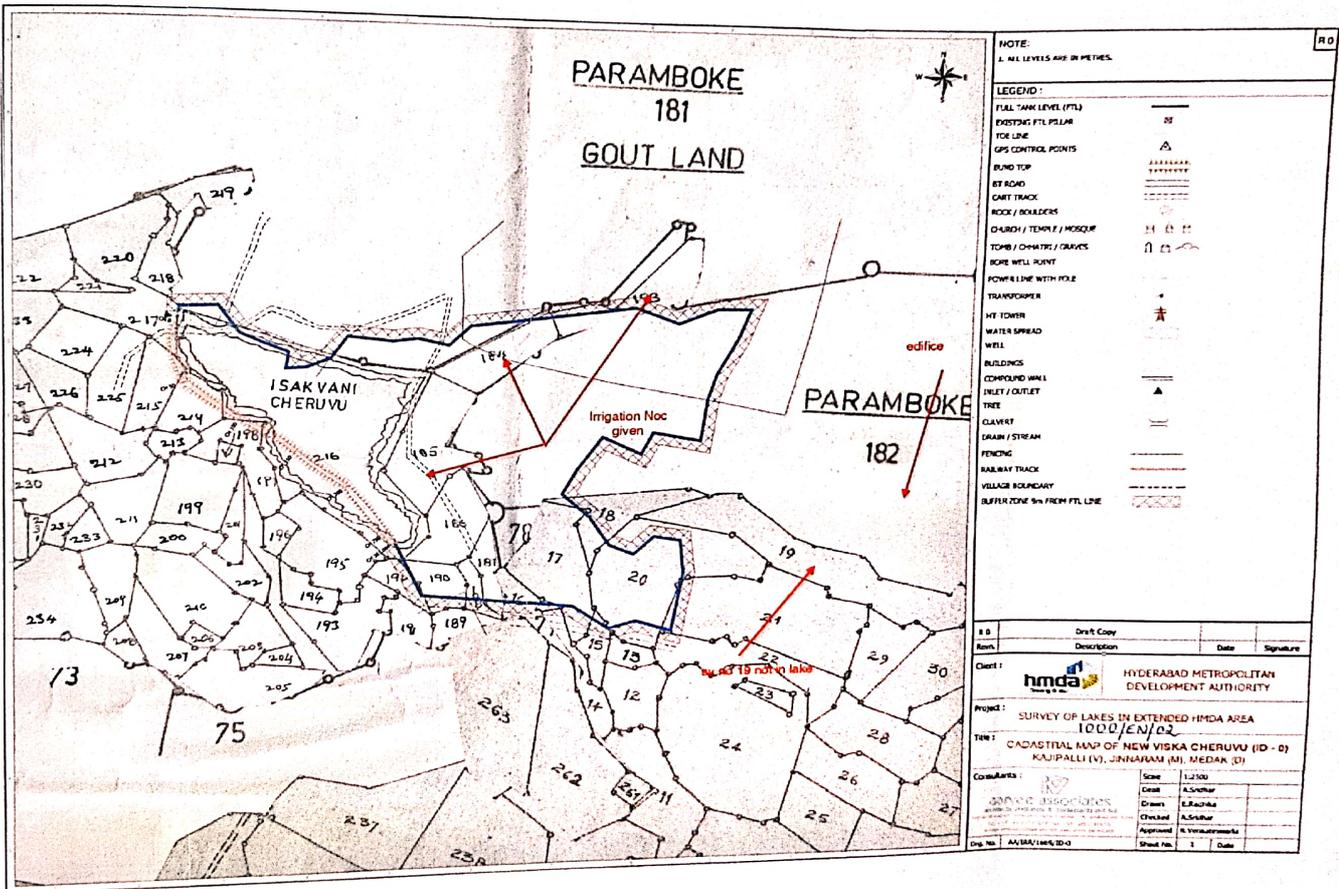
2) Village Map of Kazipally

VILLAGE MAP - MALLAMPET

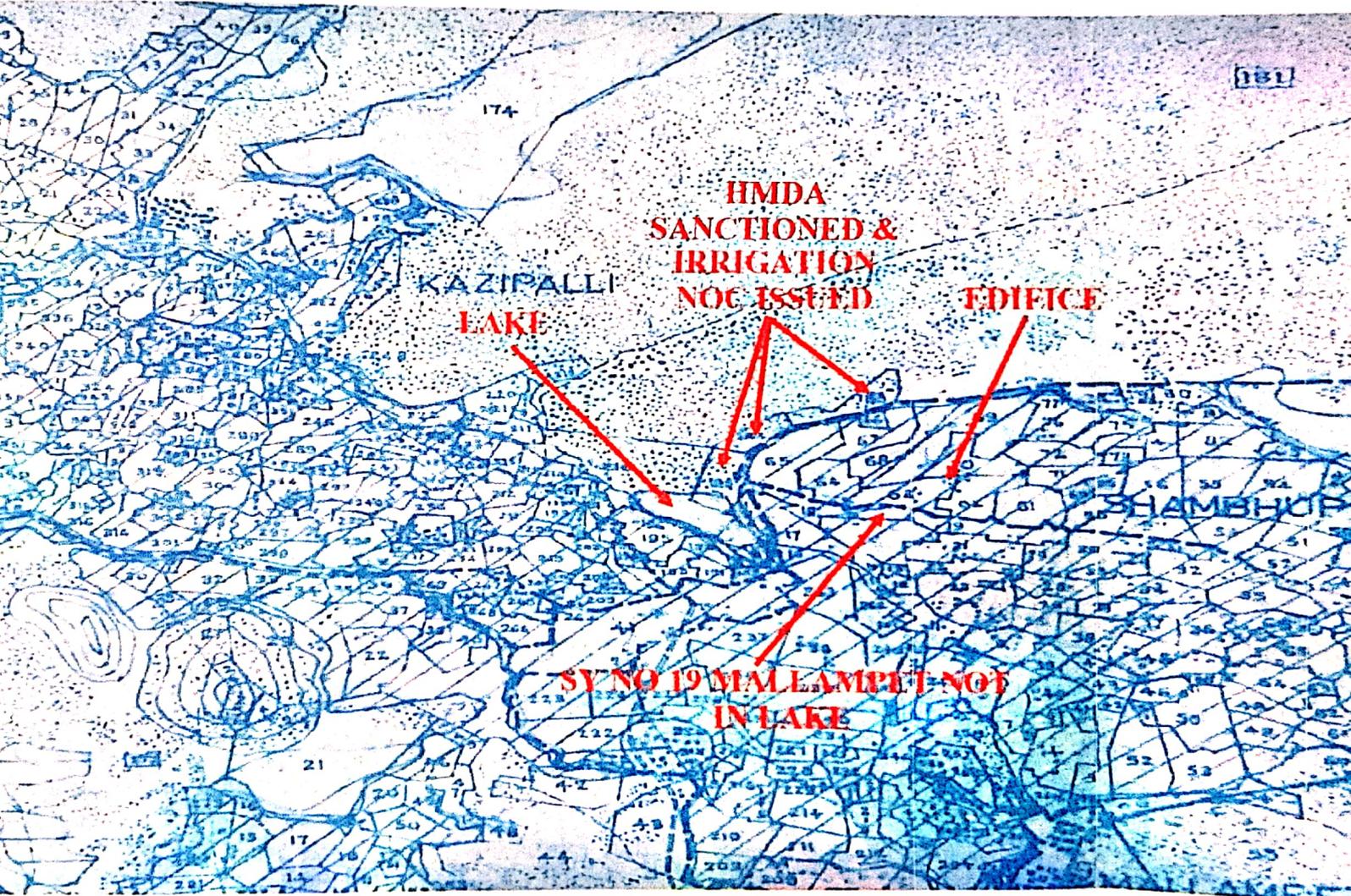


CADASTRAL MAP – IRRIGATION DEPARTMENT

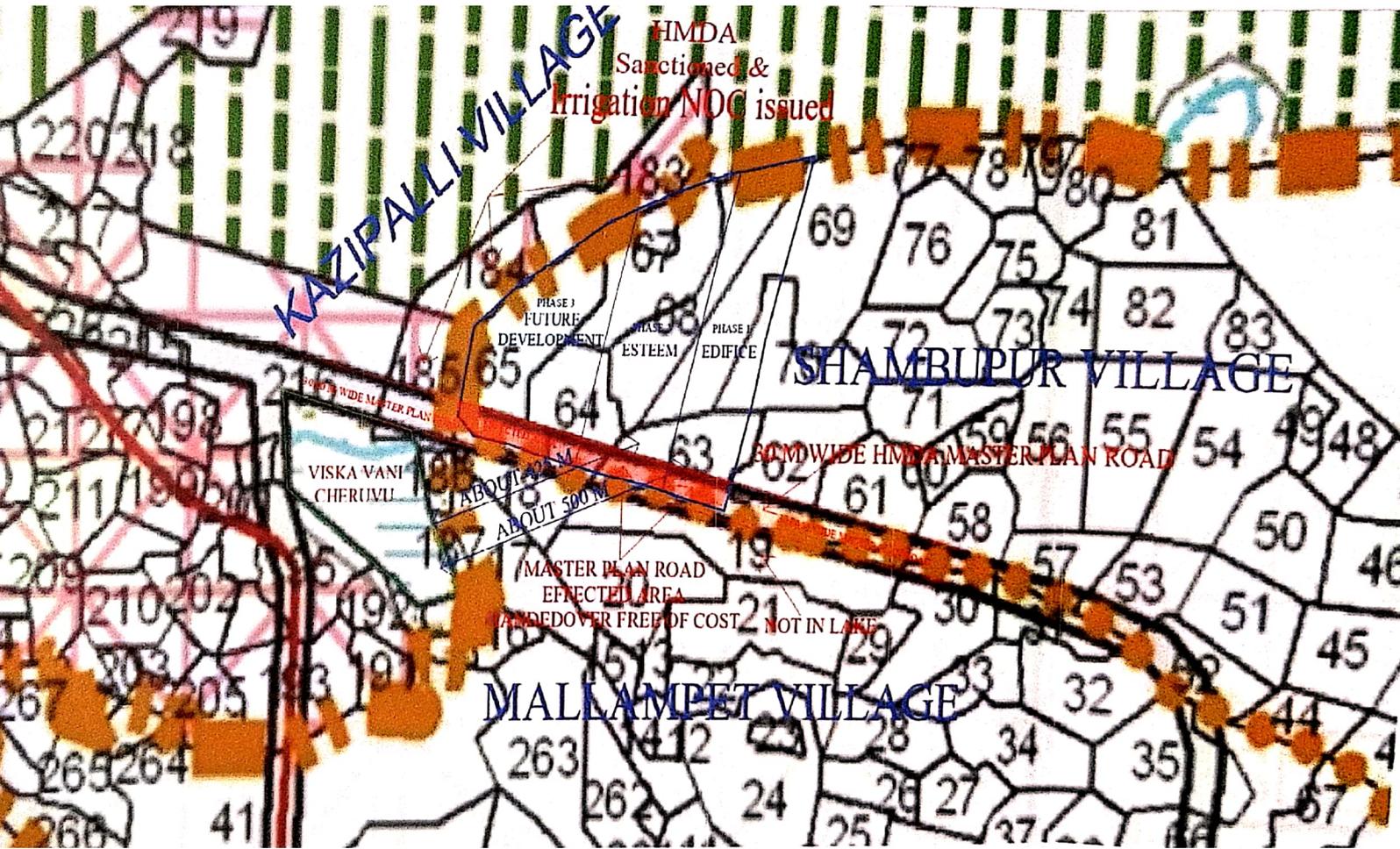
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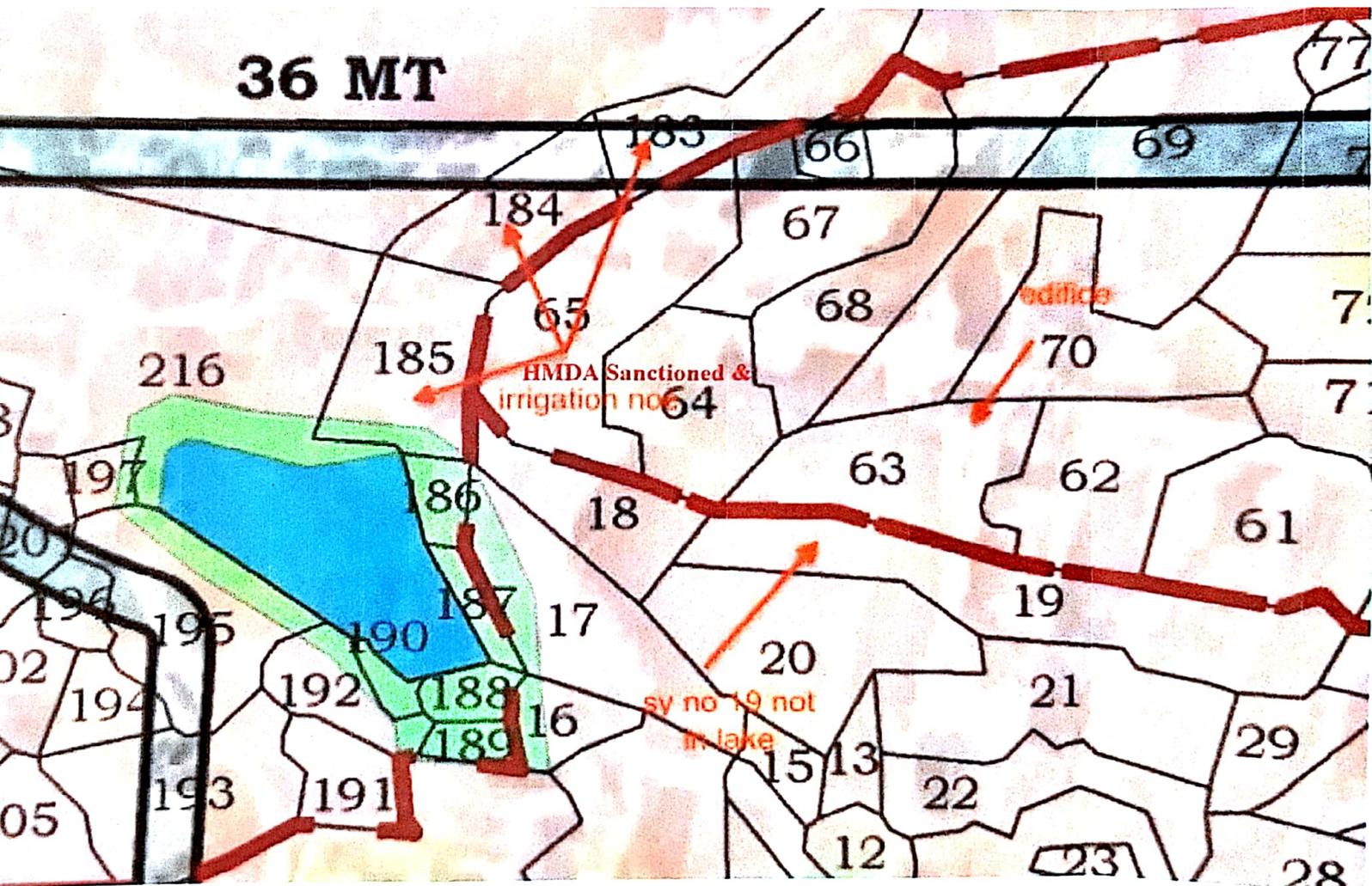
MDA MAP – 3 Villages (Kazipally, Mallampet and Shambhupur)

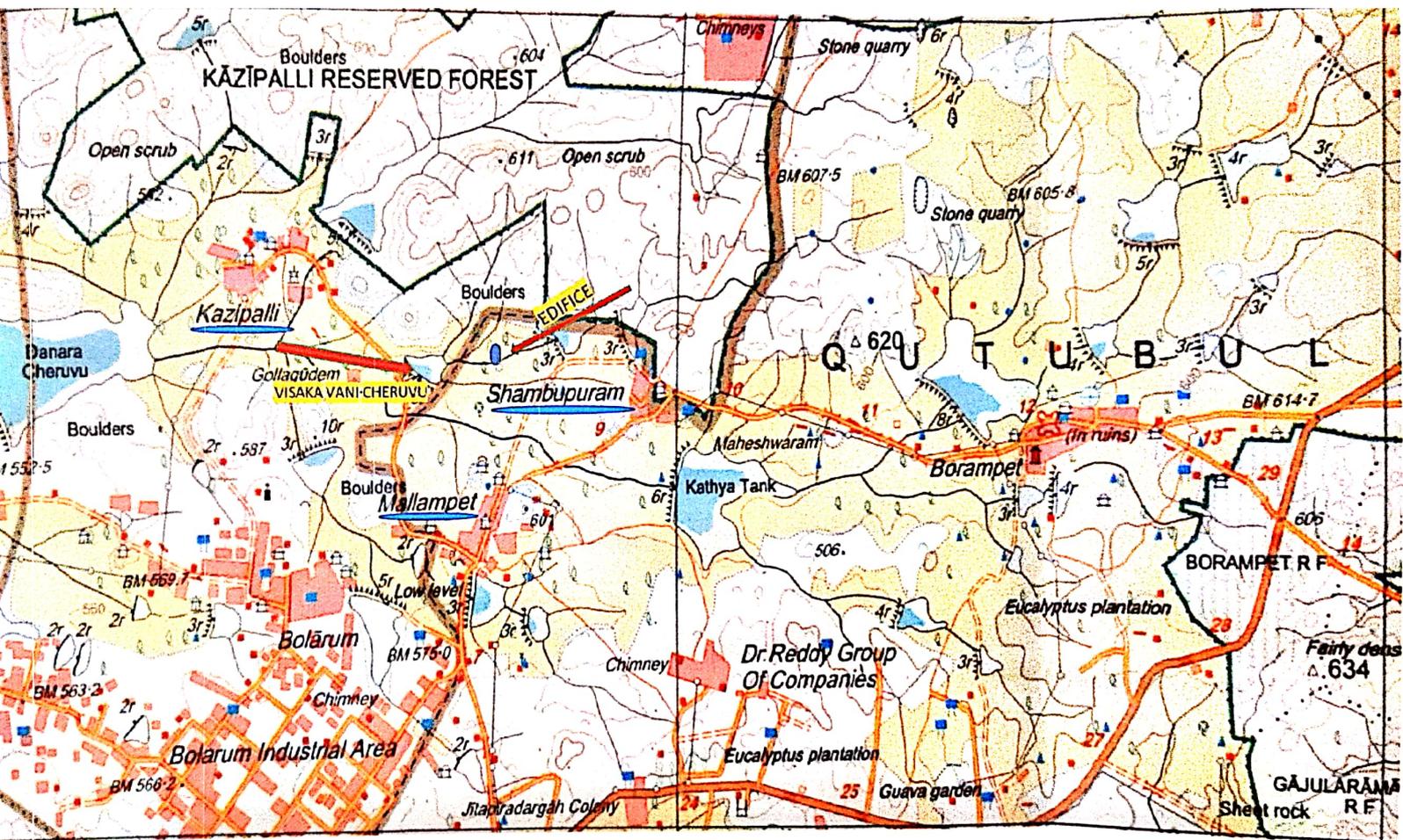


5) Village Map showing three villages (Shambupur, Kazipally and Mallampet)



6) HMDA New Master plan





8) Topo sheet



Hyderabad Metropolitan Development Authority

Office of the Executive Engineer, Lakes Protection Committee Cell,
2nd Floor, Swarna Jayanthi Commercial Complex, Amecrpet, Hyderabad.

Letter No.0.A No.100/NGT/HMDA/LPC/2022

Date: 27.01.2023

To,

- 1)The District Collector ,
Sanga Reddy District.-502001
- 2)The District Collector ,
Medchal-Malkajigiri District.-500078

Sir,

Sub: HMDA-Lake Protection Committee- NGT, Chennai -O.A. No100/2022- Filed by Akula Satish- Against The State of Telangana and others orders dt. 18.01.2023 regarding VisukavaniCheruvu – Displacement in Cadastral map - Requested to resurvey the FTL/Cadastral along with Revenue Survey no. - Reg

- Ref: 1) This office letter no.3248/HMDA/LPC/2021 dt.13/12/2021 in response to the representation filed by M/s Edifice Homes Pvt.ltd.
 2) Hon'ble NGT orders in OA No. 100/2022 dt. 18.01.2023
 3) U.o note NO.NGT/100 OF 2022 dt 25.01.2023 from Director planning -II, HMDA

XXX

In view of the directions of the Hon'ble National Green Tribunal(SZ), vide its order dt.18/01/2023 in OA No.100 of 2022, since there is a displacement in the Cadastral map coordinates it is requested to resurvey the same and resubmit lake Cadastral Map along with a revenue statement showing the exact water body falling with reference to the three villages that are involved (Kajipally, Mallampet & Shambhupuram).

Hence the existing coordinates is to be reverfied with reference to the existing surplus weir of the VisukavaniCheruvu (Lake ID no. 1000/EN/02) as per lake protection committee guidelines .

Since the report has to be submitted to the Hon'ble NGT by 28/02/2023, the resurvey may be taken up immediately and location of the lake shall be correctly identified along with the revenue statement.

Yours faithfully,

Executive Engineer,
Lake Protection Committee,
HMDA

Encl: (As above)

- 1. Copy to the Chief Engineer, Irrigation, Sangareddy dist.502001 for taking necessary action.
- 2. Copy to the Chief Engineer, Irrigation Hyderabad, Errumanzil.-500082 for taking necessary action.

(11)

Internal Note No. 49/DPII/HMDA/2011

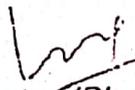
Dt. 5-8-2011

Subj: Planning and development permissions- insisting on Clearance certificate from Irrigation Dept. in sites in vicinity of large lakes-Instructions- Regarding Ref. Discussions held with MC,HMDA on 5-8-2011

The attention of all officers and staff of Planning Department and Zonal Offices is invited to the subject and reference cited. It is hereby instructed that in respect of all sites located within 200 meters of lakes/water bodies (10 Ha and above), prior clearance certificate from the Irrigation Department with regard to whether the site is covered in the FTL/submergence of the water body shall be insisted.

2 Cases (layouts/Group Housing Schemes/ Building permissions/NOC references/Change of land use references) shall be processed only after the above clearance certificate is enclosed. In all such cases, it should be clearly incorporated in the Check-list and in the remarks of the inspecting officer concerned w.r.t. status of the site vis-à-vis the lake/water body in the Note File. No approval shall be considered in cases where the certificate issued by the Irrigation Department states that the site or case in question falls in the FTL/submergence of the water body.

3. These instructions shall come into force with immediate effect.


6/8/11
-Director (Planning)

To

All staff of Planning Dept.

All Zonal Officers

Copy to

Planning HelpDesk

PS to MC,HMDA