

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTH ZONE, CHENNAI  
ORIGINAL APPLICATION NO.102 OF 2022 (SZ)**

IN THE MATTER OF

1.Human Rights & Consumer Protection cell Trust

2.Tallari Ashok Kumar,

Telangana State

.....

..... Applicant (s)

Versus

State of Telangana,

Respresented by its Chief Secretary,

Hyderabad and Ors

.....

.....Respondent(s)

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Place: Sangareddy

Date: 21-03-2023

Counsel for 7<sup>th</sup> Respondent

  
H. Yasmeen Ali

BEFORE THE NATIONAL GREEN TRIBUNAL  
South Zone Bench at Chennai, T.N.  
Original Application No, 102 Of 2022

**Between:**

1. Human Rights & Consumer Protection Cell Trust
2. Tallari Ashok Kumar S/o Tallari Yadaiah .....Applicants

AND

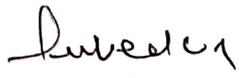
1. The State of Telangana  
Rep by its Chief Secretary,  
Telangana Secretariat, Hyderabad-500063, Telangana State.
2. The Metropolitan Commissioner  
Hyderabad Metropolitan Development Authority  
Swarna Jayanthi Complex, Ameerpet, Hyderabad 500038, Telangana state.
3. Lake Protection Committee( G.O Ms No. 157 – MA & UD Dt. 06.04.2010)  
Rep. By its Member Convener: Member Environment – Telangana State.
4. The Member Secretary – Pollution Control Board, Telangana.
5. The District Collector – Sangareddy District, Telangana.
6. The Superintending Engineer, Irrigation Department, Sangareddy.
7. The Executive Engineer & District Irrigation officer – Sangareddy.
8. The District Fisheries Officer- Sangareddy, Telangana.
9. The District Panchayat Officer- Sangareddy, Telangana.
10. The District Registrar & Assurances –Sangareddy, Telangana.
11. The Tahsildar – Ameenpur Mandal, Sangareddy, Telangana.
12. The Village Secretary – Patelguda Village, Ameenpur Mandal, Sangareddy.
13. The Village Secretary – Kistareddypet Village, Ameenpur Mandal, Sangareddy.
14. Sri M. Ch. Ragahava Rao, S/o Sri.M.Narayana Rao, Hyderabad.
15. Sri Kunchala Venkata Kondaiah Raju S/o Sri.Venkata Swamy, Patelguda Village,  
Ameenpur (M).

..... Respondents.

**COUNTER AFFADIVIT FILED BY THE 7<sup>TH</sup> RESPONDENT**

I, P. Madhusudhan Reddy S/o P. Vittal Reddy R/o Sangareddy Age: 56 Years  
Occupation:Service, Presently working as Executive Engineer, I&CADD, Irrigation  
Division No.1, Sangareddy do hereby solemnly affirm and sincerely state on oath as  
follows.

I state that I am the deponent herein and I am authorized to file the present  
counter. I state that I am well acquainted with the facts and circumstances of the case  
and depose as under.

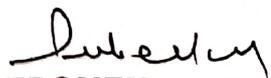
  
**DEPONENT**  
**Executive Engineer**  
**I.B.Division, Sangareddy**

I state that I have gone through the affidavit filed by the petitioner in support of the O.A and I hereby deny all the allegations/averments made therein, except those that are specifically admitted hereunder and the petitioner is put to strict proof of the same. I along with the concerned field officials conducted an enquiry into each and every complaint received from the general public/present applicant and after due inquiry will take appropriate action as per the law and make efforts to protect lakes.

1. In reply to the averments made it is submitted that Patla Cheruvu (Lake Id No.1200/36) of Patelguda (V) is a Minor irrigation tank with an ayacut of about 106-00 acres and it is maintained by the Irrigation Department of Telangana. The FTL survey of the lake is conducted by the agency Aarvee Associates on Dt:31.08.2013 in coordination with Irrigation and Revenue Department and the lake is preliminary notified vide Notification Number 1404/HMDA/EE L&P/2013-14/9 Dt 07.06.2014 and the FTL map is kept in the HMDA website.
2. It is submitted that the Main bund of Patla Cheruvu is used as a part of commutation for the people to travel from Kistareddypet (V) to Ameenpur (V). Further in this regard it is submitted that a letter was addressed by the Executive Engineer, Division No.1, HMDA vide Lr. No. 71711(P)/HMDA/DEV/Div-1/Wdng.rd/B.Guda-Kistareddypet/2020 Dated:17.08.2022 to the Executive Engineer, I&CAD Division, Sangareddy informing that the Government of Telangana vide G.O Ms. No. 250 of MA & UD [Plg.1(1)] Dept, Dt. 11.10.2019 has accorded administrative Sanction to take up the work of "Development, Widening and Strengthening of Double Lane Road to Four Lane from NH-65 Beeramguda Kaman to Kistareddypet (ORR) in Sangareddy District" by HMDA. Further, it is informed that the total Road is work from Beeramguda to Kishtareddtpet is completed and opened to public.

Further it is informed that, the Hon'ble MLA Patancheru Constituency on the request of the local public representatives and public has addressed a letter to the Hon'ble Minister for MA & UD Dept., for kind consideration to take up the additional works which included Road from Patelguda Cheruvu bund to Patelguda (V). Furtyher informed that the Government has accorded Revised Administrative Sanction vide G.O. Ms. No. 126 MA&UD (Plg.1(1) Dept., Dt : 13.07.2022 for carrying out the additional works.

3. It is further submitted that the HMDA has taken up beautification works of some of the tanks in HMDA limits. The work mainly consisted of strengthening of Bund, Formation of Peripheral bund, and STP/diversion of sewage water from upstream to downstream of tanks.

  
**DEPONENT**

**Executive Engineer**  
**I.B.Division, Sangareddy**



4. It is further submitted that the petitioner alleged that Artificial Bund is created in the FTL of the Lake due to which rain water from the catchment area and natural flood water nalas into the Lake are completely closed thereby drying it completely. In this regard it is submitted that while forming the peripheral/Artificial bund, pipes were laid across the bund in the path of natural flood water Nalas/Inflow channels to ensure the free flow of catchment water and the natural flood water Nalas are not closed as alledged by the petitioner.
5. It is further to submit that new construction of temple in place of old which was being taken up on the rear side of the bund of the tank it is known as "Katta Maisamma" temple is religiously worshipped with great faith and devotion in Telangana state. It is a part of Telangana tradition and belief of local villagers that the Goddess will safeguard the "Katta" (i.e Bund) and offerings are made to the Goddess as a part of tradition & belief by local villagers for a long time. It is submitted that as the construction of the temple on the rear side of the bund it will not affect the free flow of water as it is constructed is on the top of Bund of the tank and also it will not affect the storage capacity of the tank. It is further submitted that the Temple structure is not affected under the FTL and Buffer zone of the tank as alleged by the Petitioner as the FTL area and Buffer zone area fall on the upstream of the tank.
8. It is further submitted that the water spread area will be on the upstream side of the bund where the rules governing the FTL (i.e Full Tank Level ) and Buffer zone are applicable. For any construction activity in the vicinity of tanks, the guidelines to be followed are specified in G.O.Ms No.168 of MA & UD Dated: 07-04-2012 which stipulates RESTRICTIONS OF BUILDING ACTIVITY IN THE VICINITY OF Water Bodies as follows:

No building/development activity shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta / shikam lands. Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake / Kunta shall be reckoned as measured and as certified by the Irrigation Department and Revenue Department,

- (i) No building activity shall be carried out within 30m from the FTL boundary of Lakes / Tanks / Kuntas of area 10Ha and above.
- (ii) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10 Ha / shikam lands.

*Suneel C.A*  
**DEPONENT**  
 Executive Engineer  
 I.B.Division, Sangareddy

- (iii) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.
- (iv) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.

9. The bund is the component of a tank formed across the valley as a barrier for retaining and storage of water and it will not come under the FTL/ Buffer zone of the tank. It is further submitted that regarding the bund buffer to be maintained on downstream of the bund meant for the movement of Inspection vehicles, certain Guidelines were issued by the Chief Engineer (MI), Hyderabad Vide Memo No. DCE - II /OT1/SO3/73/NOC/OFMK Emp Assn/2014-1 Dt 24-04-2014 with regard to the Bund Buffer to be left on downstream of the tank. As per the guidelines a minimum distance of 5.0 m is to be left from the toe of the bund downstream for a bund height of less than 3.4 m and a distance of 10.0 m is to be left from the toe of the bund downstream for a bund height of more than 3.4 m for the purpose of movement of inspection vehicles.

10. It is further submitted that the Building bearing h.No.5-95/6220 located adjacent to the bund on the downstream side of Patla cheruvu of Patalguda (V) being constructed by the Respondent No.14 & 15 will not fall in the Bund buffer as per the above guidelines.

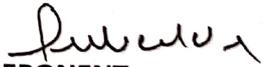
Hence, for the reasons stated above, it is therefore prayed that the Hon'ble National Green Tribunal may be pleased to pass such orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Counsel for Respondent

Solemnly affirmed on this

21st Day of March 2023 and Singed his name in

My presence

  
DEPONENT  
**Executive Engineer**  
**I.B.Division, Sangareddy**

**VERIFICATION**

I , P. Madhusudhan Reddy, S/o Sri. P. Vittal Reddy Age: 54 years, Executive Engineer, I & CADD, Irrigation Division No. 1 Sangareddy the 7th respondent herein do hereby verify herein that the contents stated in the above report are true and correct to the best of my knowledge and belief and as per records.

Hence verified on this 21st Day of March 2023 at Sangareddy.

  
**DEPONENT**  
**Executive Engineer**  
**I.B.Division, Sangareddy**

- NOTES:**
1. ALL LEVELS ARE IN METRES.
  2. DO NOT SCALE THE DRAWING.

**LEGEND :**

	FULL TANK LEVEL (FTL)
	EXISTING FTL PILLAR
	TOE LINE
	GPS CONTROL POINTS
	BUND TOP
	ST ROAD
	CART TRACK
	ROCK / BOULDERS
	CHURCH / TEMPLE / MOSQUE
	TOMB / CHHATRA / GRAVES
	BORE WELL POINT
	ELECTRICAL POLE
	TRANSFORMER
	HT-TOWER
	WATER SUMP
	WELL
	BUILDINGS
	COMPOUND WALL
	INLET or OUTLET
	TREE
	CULVERT
	DRAIN or STREAM
	FENCING
	RAILWAY TRACK
	VILLAGE BOUNDARY
	BUFFER ZONE 50m FROM FTL LINE

**LAKE DETAILS:**

1. WATER SPREAD AREA	: 8.037 Acres
2. AREA OF THE TANK UP TO FTL	: 37.000 Acres
3. WATER LEVEL	: +533.630m
4. FULL TANK LEVEL (FTL)	: +536.030m Weir Top
5. FULL TANK LEVEL PERIMETER	: 1990.000m
6. BUND LENGTH	: 851.548m
7. DATE OF SURVEY	: 31-08-13

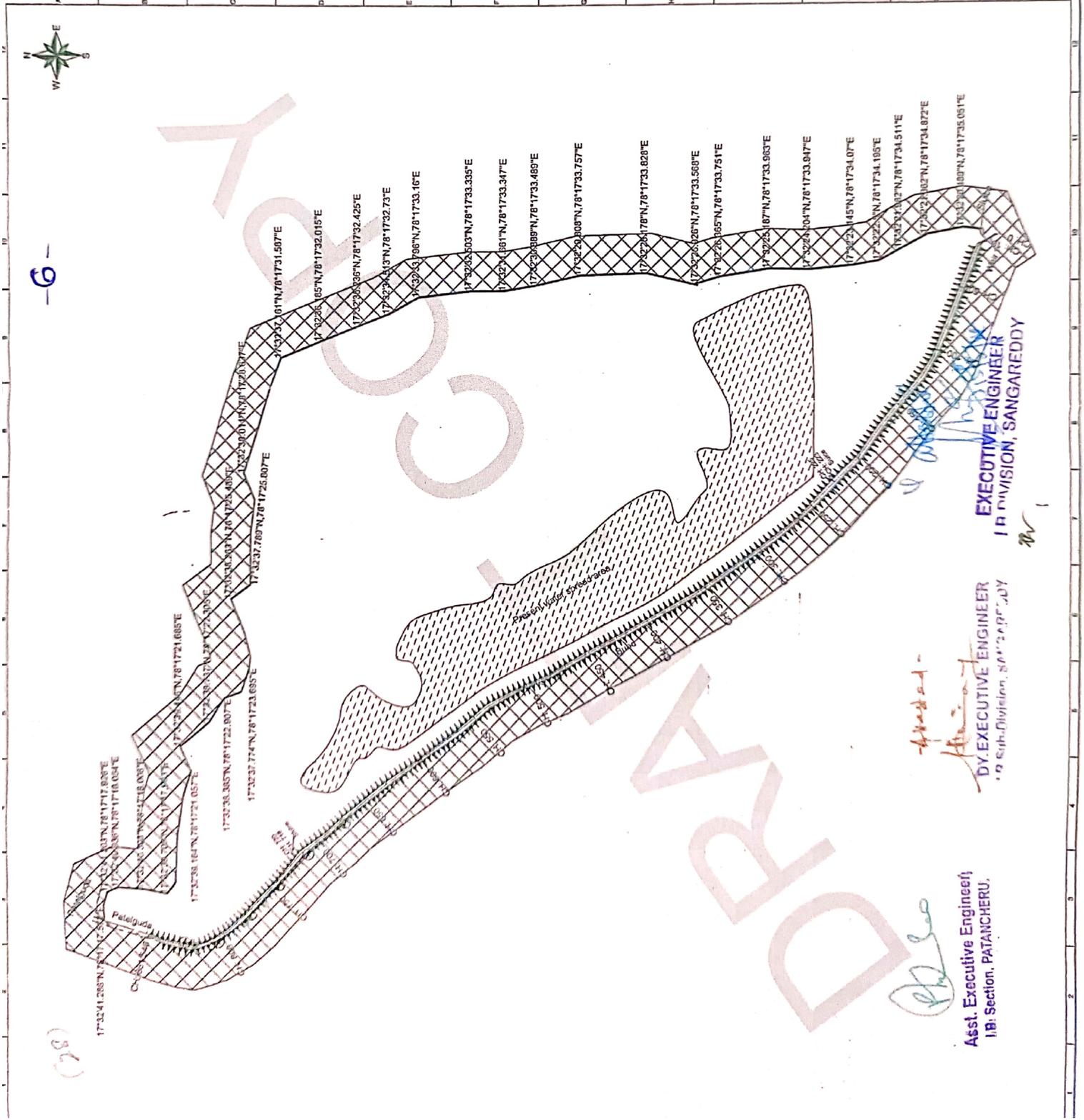
RD	Draft Copy	Signature
Revn.	Description	Date
Client: <b>hmda</b> HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY		

Project: SURVEY OF LAKES IN HMDA AREA

Title: PLAN OF PATLA CHERUVU (ID - 1200/36)  
PATANCHERUVU VILLAGE, PATANCHERUVU MANDAL

Consultants:

Scale	1:3000
Prepared	K.Yesuraju
Drawn	A.Sridhar
Checked	M.Jagadeesh
Approved	Gh. Lingash
Sheet No.	AAHMDA/ID - 1200/36
Date	16-09-2013



*Asst. Executive Engineer*  
 Dy. EXECUTIVE ENGINEER  
 I B Division, SANGAREDDY

*Asst. Executive Engineer*  
 Asst. Executive Engineer  
 I B Section, PATANCHERU.

*Executive Engineer*  
 EXECUTIVE ENGINEER  
 I B DIVISION, SANGAREDDY

NOTES:  
 1. ALL LEVELS ARE IN METRES.  
 2. DO NOT SCALE THE DRAWING.

LEGEND :

	FULL TANK LEVEL (FTL)
	EXISTING FTL PILLAR
	GPS CONTROL POINTS
	BUND TOP
	BT ROAD
	CART TRACK
	ROCK / BOULDERS
	CHURCH / TEMPLE / MOSQUE
	TOMB / CHHATRI / GRAVES
	BORE WELL POINT
	ELECTRICAL POLE
	TRANSFORMER
	HT-TOWER
	WATER SUMP
	WELL
	BUILDINGS
	COMPOUND WALL
	INLET or OUTLET
	TREE
	CULVERT
	DRAIN or STREAM
	FENCING
	RAILWAY TRACK
	VILLAGE BOUNDARY
	BUFFER ZONE 30m FROM FTL LINE

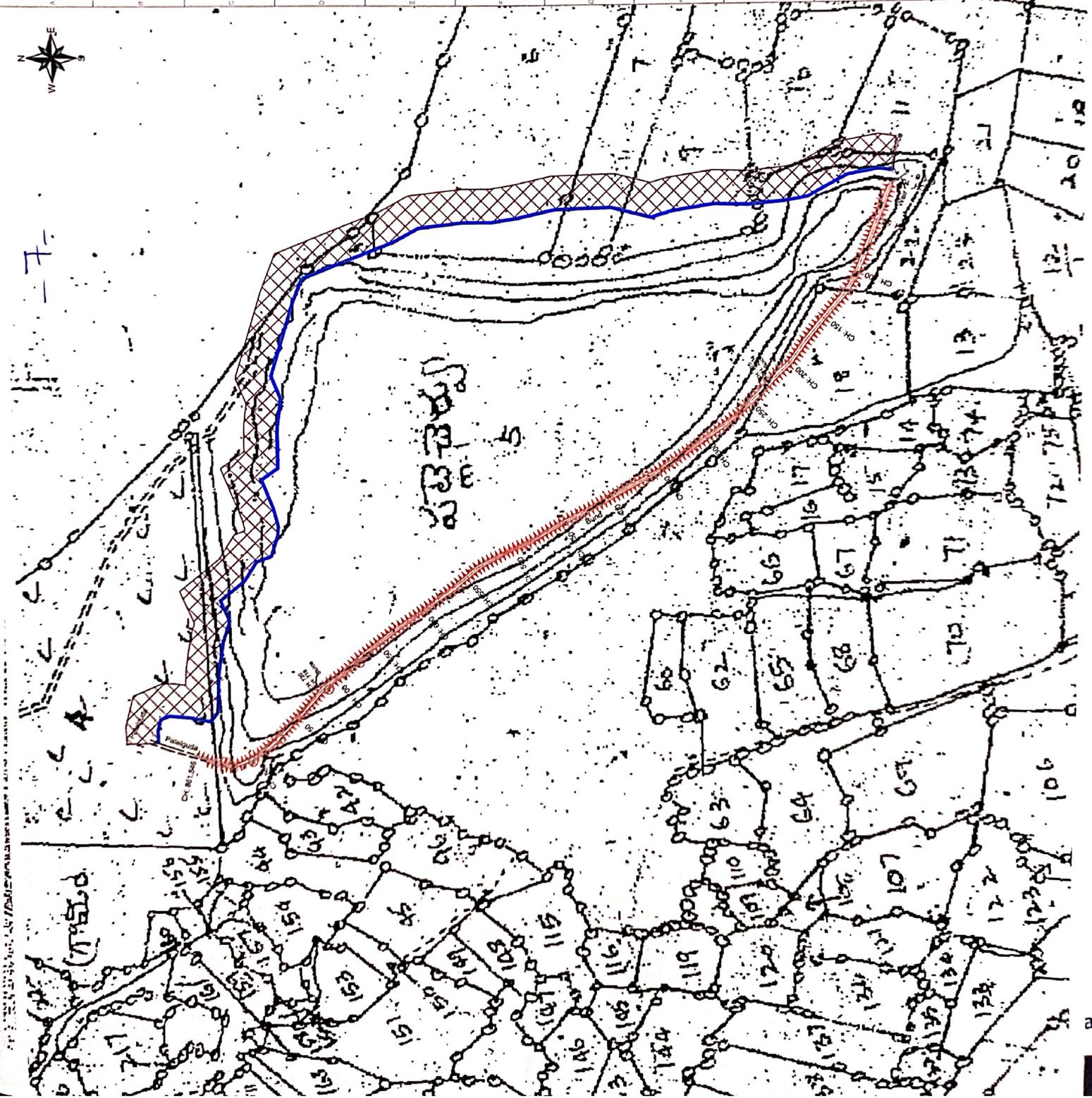
R/O	Revn.	Description	Date	Signature

Client: HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY

Project: SURVEY OF LAKES IN HMDA AREA

Title: CADASTRAL MAP OF PATLA CHERUVU (ID - 1200/06) PATANCHERUVU VILLAGE, PATANCHERUVU MANDAL

Scale	1:5000
Prepared	A.Sridhar
Drawn	P.Swetha
Checked	V.Apparao
Approved	R.Venkateswarlu



*Handwritten initials/signature*

GOVERNMENT OF ANDHRA PRADESH  
IRRIGATION & CAD DEPARTMENT

Office of the Chief Engineer,  
Minor Irrigation (F),  
Erramanzil, Hyderabad.

Memo No. DGE/NOI/ISO/73/NOI/OEMK Emp Assn/2014-1 Dt. 24.04.2014

Sub: Minor Irrigation - R.R. District - Request for issue of NOC for the proposed layout for the construction of Residential Houses etc in Sy. No. 284/P, 285/P & 286/P situated at Singapur (V), Shaikerpally (M) to OEMK Employees Association - Remarks - Reg.

Ref: 1. SE/IG/Hyderabad Lt. No. DEE/TS 8/NOI/2542 dt. 22.02.2014

Attention of the Superintending Engineer, Irrigation Circle, Hyderabad is invited to the reference cited, wherein a proposal for issue of NOC to M/s OEMK Employees Association was submitted to this office. On scrutiny of the proposal certain remarks are observed. Further it is to inform that the Superintending Engineer is submitting the NOC proposals in haphazard manner which is causing lot of difficulty to this office in processing of the proposals. Therefore, the Superintending Engineer is requested to submit the proposals according to the following guidelines

1. A copy of application of the applicant is to be enclosed to the proposal.
2. Joint Inspection report conducted by the Concerned Section Officer and Revenue officer not less than the rank of Tahsildar along with the Mandal Surveyor should be enclosed.
3. Index map showing the location of the irrigation source has to be enclosed.
4. A copy of Memoirs of the source is to be furnished if available.
5. The Irrigation Sketch Map should be superimposed on the revenue sketch map furnished by the Revenue Department. The Sketch map should be signed by the concerned Executive Engineer, Tahsildar and the Mandal Surveyor.
6. The original sketch map showing the applicant's land, Irrigation sources, buffer zones marked with distinguishable colors.

*Handwritten notes:*  
5  
FOR S.E.S. Perusal  
10/5/14

*Handwritten notes:*  
2  
10/5/14



7. The Sketch map should clearly show the total extent of the applicant's land, Total extent of the Irrigation Source, Extent of applicant's land falling inside the Irrigation Source, Extent of applicant's land falling under buffer zone,
8. For Group Housing & Layout Approval, the concerned Superintending Engineer should inspect the applicant's land and submit his specific recommendations. For individual plots the inspection note of the concerned Executive Engineer should be furnished.
9. Buffer Zones for the Irrigation Sources should be as per the G.O. Ms. No. 168 MA & UD Dept. dt: 07.04.2012.
10. For the lands falling in the vicinity of Tank Bunds a buffer of 5 m has to be left from the toe of the bund for movement of inspection vehicles for the bund heights less than 3.40 m and a buffer of 10 m has to be left for the bunds more than 3.40 m height.
11. For the lands abutting the rivers, the NOC proposals may be submitted to the ENC(Irrigation) who is the conservator of the rivers in the State.

The Superintending Engineer is requested to follow the above guidelines scrupulously while submitting the NOC proposals.

Sd/- dt: 24.04.2014  
 V. Rajeshwar  
 Chief Engineer,  
 Minor Irrigation (I)

*[Signature]*  
 For Chief Engineer, Minor Irrigation

The Superintending Engineer,  
 Irrigation Circle, Hyderabad.

Office of the Superintending Engineer, I & CADD,  
 Irrigation Circle, Hyderabad, West Gate, 197-04.

Order No. DEPA/1537

Date: 05-2014

Copy communicated to the Executive Engineer, IB Division, Hyderabad with a request to attend the remarks on the above subject matter raised by the Chief Engineer, Minor Irrigation (I) for taking further action.

To,  
 The Executive Engineer,  
 IB Division, Hyderabad.

G. Anil Kumar  
 Superintending Engineer, I & CADD,  
 Irrigation Circle, Hyderabad.

//forwarded by order//

Dy. Superintending Engineer

**GOVERNMENT OF ANDHRA PRADESH**  
**IRRIGATION & CAD DEPARTMENT**

Office of the Chief Engineer,  
Minor Irrigation (I),  
Erramanzil, Hyderabad

Memo.No. DCE - II /OT1/SO3/73/NOC/OEMK Emp Assn/2014-1 Dt 24-04-2014.

Sub:- Minor irrigation - R.R. District - Request for issues of NOC for the proposal layout for the Construction of Residential Housed ect in Sy.No. 284/P, 285/P & 286/P Situated at Singapur (V), Shankarpally (M) to OKMK Employees Association - Remarks - Reg.

Ref:- 1. SE/IC/Hyderabad Lr.No. DEE-I/TS-8/NOC/12542 Dt: 22.02.2014.

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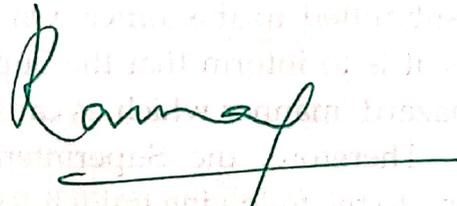
Attention of the Superintending Engineer, Irrigation Circle, Hyderabad is invited to the reference cited wherein a proposal for Issue of NOC to M/s. OEMK Employees Association was submitted to this office. On scrutiny of the proposal certain remarks are observed. Further it is to inform that the Superintending Engineer is submitting the NOC proposals in haphazard manner which is causing lot of difficulty to this office in processing of the proposals. Therefore, the Superintending Engineer is requested to submit the proposals according to the following guidelines.

1. A copy of the application is to be enclosed to the proposal.
2. Joint Inspection report conducted by the Concerned Section Officer and Revenue officer not less than the rank of Tahsildar along with the Mandal Surveyor should be enclosed.
3. Index map showing the location of the Irrigation source has to be enclosed.
4. A copy of Memoirs of the source is to be furnished if available.
5. The Irrigation sketch map should be superimposed on the revenue sketch map furnished by the Revenue Department. The sketch map should be signed by the concerned Executive Engineer, Tahasildar and the Mandal Surveyor.
6. The original sketch map showing the applicant's land, Irrigation sources, buffer zones marked with distinguishable colors.
7. The sketch map should clearly show the total extent of the applicant's land total extent of the Irrigation source, Extent of applicant's land falling inside the Irrigation source, extent of applicant's land falling under buffer zone.
8. For Group Housing & Layout approval, the concerned superintending Engineer should inspect the applicant's land and submit his specific recommendations. For

- individual plots the inspection note of the concerned Executive Engineer should be furnished.
9. Buffer zones for the irrigation sources should be as per the G.O. Ms. No. 168 MA. & UD Dept dt: 07.04.2012.
  10. For the Land falling in the vicinity of Tank Bunds a buffer of 5 m has to be left from the toe of the bund for movement of inspection vehicles for the bund heights less than 3.40 m and a buffer of 10 m has to be left in the bunds more than 3.40 m heights.
  11. For the lands abutting the rivers the NOC proposals may be submitted to the ENC (Irrigation) who is the conservator of the rivers in the State.

The Superintending Engineer is requested to follow the above guideline scrupulously while submitting the NOC proposals.

"  
Attested Copy"



Dy. Executive Engineer  
Irrigation Sub-division No 5  
Patancheru

Lr.No. 71711 (P)/HMDA/DEV/Div-I/Wdnq.rd/B.quda-Kistareddypet /2020

Date: 17-08-2022

To  
The Executive Engineer,  
I&CAD Division,  
Sangareddy

Sir,

Sub: HMDA – DEV – DIV-I - Widening and Strengthening of Double lane to Four lane from NH-65 Beeramguda Kaman to Kistareddypet Road (ORR) in Sangareddy District – Additional works sanctioned – Reg.

Ref:- 1) G.O Ms.No.250 MA&UD [Plg.1(1)] Dept., dated 11.10.2019.  
2) G.O.Ms.No. 126 MA&UD (Plg.I(1)) Dept., dt. 13-07-2022

\*\*\*\*\*

It is to inform that the Government vide G.O.Ms.No. 250, MA&UD [Plg.I(1)] Dept., dt. 11-10-2019 has accorded Administrative Sanction to take up the work of "Development, Widening and Strengthening of Double Lane Road to Four Lane from NH 65 Beeramguda Kaman to Kistareddypet (ORR) in Sangareddy District" by HMDA. The total road work from Beeramguda to Kistareddypet is completed and opened to public.

Further, it is to inform that, the Hon'ble MLA, Patancheru Constituency on the request of the local public representatives and public has addressed a letter to the Hon'ble Minister for MA&UD Dept., for kind consideration to take up the following additional works

1. Road from Patelguda Cheruvu bund to Patelguda
2. Road From Navyanagar Junction to Ameenpur Pedda Cheruvu
3. Road From Gutta Kaman to Mallikarjuna Temple
4. Balance works in Beeramguda - Kistareddypet Road.
5. Construction of culvert at Monday Market Cheruvu and by-Pass Road From Monday Market to Government School
6. Laying of Sai Colony Pipe line and CC Roads

- 1/1 -

The Government has accorded Revised Administrative Sanction vide G.O.Ms.No. 126 MA&UD (Plg.I(1)) Dept., dt. 13-07-2022 for carrying out additional works.

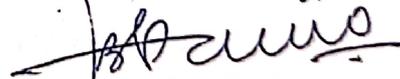
In this regard, it is to inform that the works at Sl.No. 1,2 and 5 requires beautification bund and constructions of culverts. This has been informed through phone and it is requested to fix up a date and time for joint inspection at Executive Engineers level.

The following filed Engineers will be available at site during the execution of the above works.

1. Sri. S.Deepak Kumar, Dy. Executive Engineer, Division-I, HMDA  
(Mobile No. 9440380402)
2. Sri. E.Govind, Asst. Executive Engineer, Division-I, HMDA  
(Mobile No. 9553384731).

Therefore, it is requested to give necessary instructions to the concerned I&CAD field Engineers to coordinate with the above HMDA Engineers for execution of the above works. This work is taken up on top priority of Government and Minister for MA&UD Dept., is reviewing the work frequently.

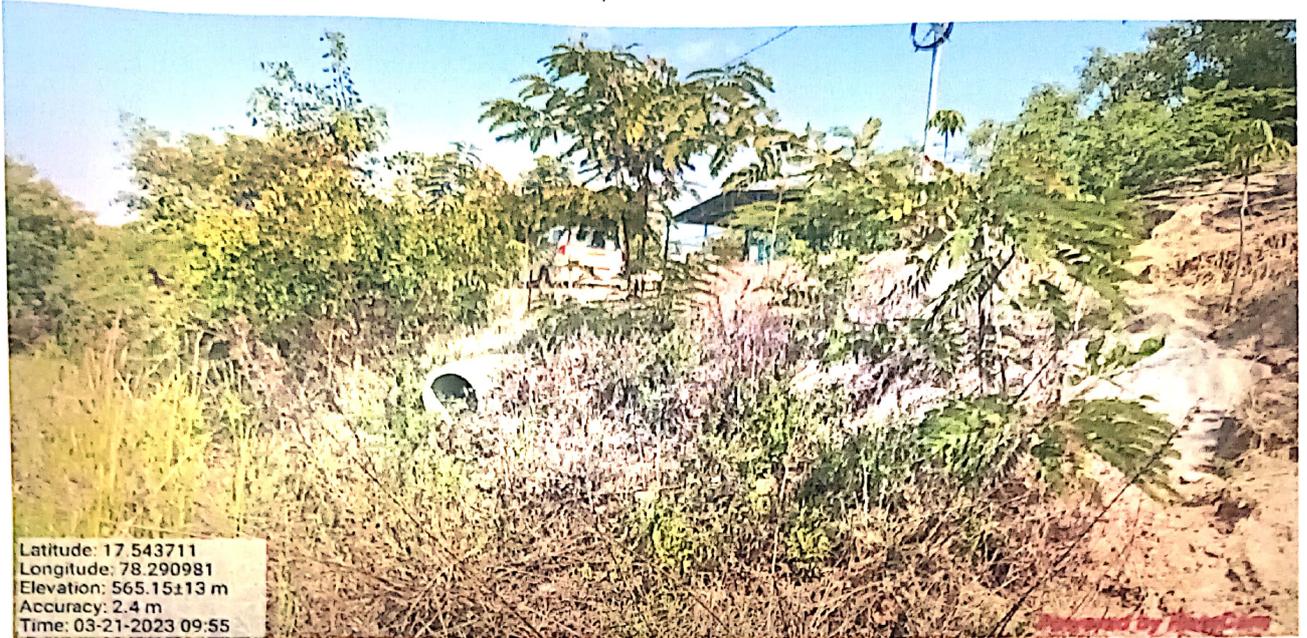
Yours faithfully,

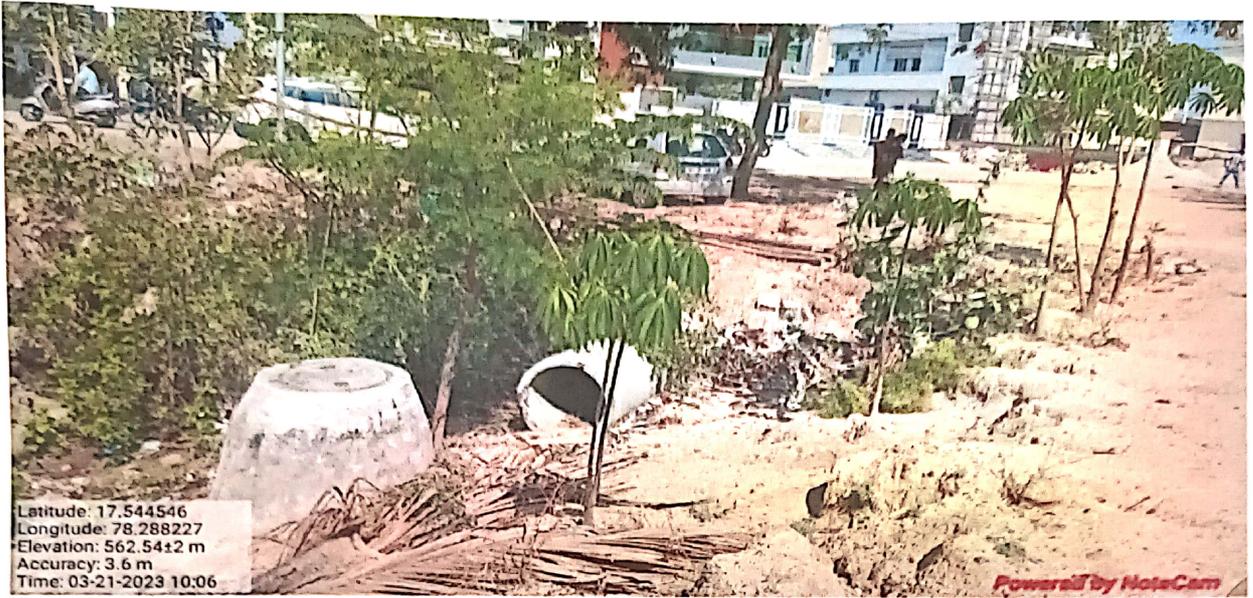


Executive Engineer,  
Division-I, HMDA.



-12-





C.C. Road on Bund