

BEFORE THE NATIONAL GREEN TRIBUNAL
South Zone Bench At Chennai, T.N.

O.A. No. 102 OF 2022 (SZ)

Between :

1. Human Rights & Consumer Protection Cell Trust & Another
..... Applicants

AND

1. The State of Telangana & 14 Ors.
.....Respondents.

Memo Filed By The Applicant

It is most humbly submitted that,

1. Sec. 3(a)(i) of Telangana Building Rules, 2012 – G.O.Ms. No. 168,
Municipal Administration & Urban Development, Dt. 07-04-2012
stipulates that –

3. RESTRICTION OF BUILDING ACTIVITY IN THE VICINITY OF CERTAIN AREAS:

(a) Water Bodies

(i) 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.

Memo No. 13612/
M1/2012, Dt. 2-11-12
MAUD - Govt. of AP/TS.
NOC is required from
both Irrigation (Not below
the rank of Executive
Engineer) and Revenue
(Not below the rank of Jt.
Collector) Department.

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.

(ii) The above water bodies and courses shall be maintained as Recreational/Green Buffer Zone and no building activity shall be carried out within:

- (1) 100m from the boundary of the River outside the Municipal Corporation / Municipality / Nagara Panchayat limits and 50m with in the Municipal Corporation / Municipality / Nagara Panchayat limits. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.
- (2) 30m from the FTL boundary of Lakes / Tanks / Kuntas of area 10Ha and above.
- (3) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10Ha / shikam lands;
- (4) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.
- (5) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.

2. The Municipal Administration & Urban Development vide its Memo No. 13612/M1/2012, Dt. 02-11-2012 had issued clarifications in respected to various sections of the Building Rules/G.O.Ms. No. 168 – In its clarification in Serial No. 1, they had clarified that –

**GOVERNMENT OF ANDHRA PRADESH
MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT DEPARTMENT**

Memo No.13612/M1/2012 Dated: 02.11.2012

Sub : MA&UD Dept - G.O.Ms.No. 168, dt: 07.04.2012 - Certain requests / information sought from individuals / institutions / organizations - clarifications issued - Reg.

Ref : 1. G.O.Ms.No. 168, MA&UD Department Dated: 07.04.2012.
2. Representations/requests from various individuals/Institutions / organizations
3. MemoNo.13612/M1/2012, Dated: 05.06.2012 and 03.09.2012
4. From DTCP, Hyderabad Lr.Fc.No.8343/2011/P., Dated: 20.09.2012.

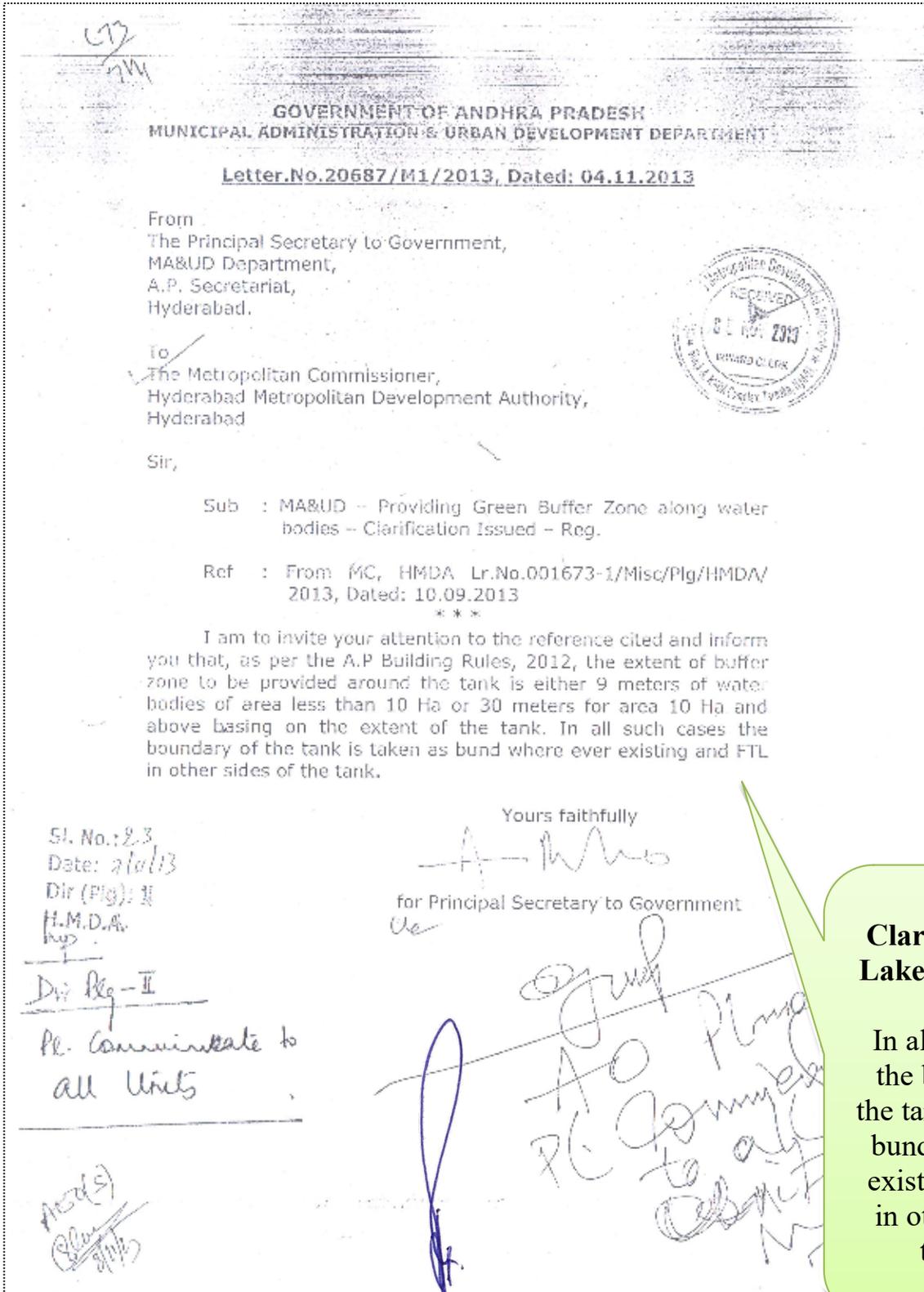
The attention of the officers noted in the address entry are informed that, certain requests / information sought from individuals / institutions / organizations have been received by the Government regarding newly issued Andhra Pradesh Building Rules i.e. G.O.Ms.No.168 MA Dated 07.04.2012.

2. Government have examined the matter in the light of the remarks submitted by the Director of Town & Country Planning, A.P. Hyderabad vide reference 4th cited here by issue the following clarifications regarding newly issued Andhra Pradesh Building Rules vide reference 1st cited.

Sl. No.	Rule	Subject / Issue	Clarification
1	3 (a)(i)	The FTL is to be certified by Irrigation Department 'and' Revenue Department. The word 'and' may be replaced with 'or', otherwise in every case the certificate needs to be obtained from both the departments that is likely to lead to lot of inconveniences to the common man.	NOC is required from both Irrigation (Not below the rank of Executive Engineer) and Revenue (Not below the rank of Joint Collector) departments.
2	3 (d)	Is it necessary to submit No. Objection	Yes.

Clarification for Sec. 3(a)(i)
NOC is required from both Irrigation (Not below the rank of Executive Engineer) and Revenue (Not below the rank of Joint Collector) departments.

3. The Municipal Administration & Urban Development vide its Letter No. 20687/M1/2013, Dated 04-11-2013 had made a clarification with respect to boundary of the Lake –



Clarification for Lake Boundary –

In all such cases the boundary of the tank is taken as bund where ever existing and FTL in other sides of the tank.

4. The Lake Protection Committee vide its Notification “Notification Of Full Tank Level Boundaries And Buffer Zones Of Lakes/Water Bodies In Hyderabad Metropolitan Region” No. 1404/HMDA/EE L&P/2013-14/9, Dt. 07-06-2014 had in Serial No. 28 notified 1200/36 Patla Cheruvu.
5. Basing on the HMDA FTL Map, Clarifications issued by the MAUD, number of constructions have been identified in the FTL & Buffer zone of 1200/36 Patla Cheruvu. The FTL & Buffer Zone plotted on Goggle Earth Image are enclosed herewith as evidence of construction of Temple and Buildings on the Bund and Buffer Zone of the 1200/36 Patla Cheruvu.

Hence, this Memo.

Place : Hyderabad
Date : 09-08-2023

(Applicant No. 1)
Authorized Representative of Applicant No. 2

HRCPC TRUST
BHEL, MIG-982, Serilingampally,
Hyderabad - 502 032, India.
Web : hrcpc.org.
E-mail : hrcpctrust@gmail.com

List of Documents

S. No.	Date of Document	Document Details	Page Nos.
1.	07-04-2012	First 5 Pages of G.O.Ms. No. 168 - Municipal Administration and Urban Development Department – Telangana Building Rules, 2012 – Orders – Issued.	1 - 5
2.	02-11-2012	Memo No. 13612/M1/2012 – MA&UD Dept – G.O.Ms. No. 168, Dt. 07-04-2012 – Certain requests / information sought from individuals / institutions / organisations – clarifications issued – Reg.	6 – 11
3.	04-11-2013	Letter No. 20687/M1/2013 – MA&UD – Providing Green Buffer Zone along water bodies – Clarification Issued – Reg.	12
4.	07-06-2014	Notification - “Notification Of Full Tank Level Boundaries And Buffer Zones Of Lakes/Water Bodies In Hyderabad Metropolitan Region” No. 1404/HMDA/EE L&P/2013-14/9.	13 – 18
5.	2023	Album containing Google Earth Images showing lake encroachments.	19 - 21

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Municipal Administration and Urban Development Department – Andhra Pradesh Building Rules, 2012 – Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (M) DEPARTMENT

G.O.Ms.No.168

Dated: 07.04.2012

Read the following:

1. G.O.Ms.No.483 M.A & U.D. Department, dated 24-08-1998
2. G.O.Ms.No.541 M.A & U.D. Department, dated 17-11-2000
3. G.O.Ms.No.33 M.A & U.D. Department, dated 03-03-2001
4. G.O.Ms.No.86 M.A & U.D. Department, dated 03-03-2006
5. G.O.Ms.No.171 M.A & U.D. Department, dated 19-04-2006
6. G.O.Ms.No.623 M.A & U.D. Department, dated 01-12-2006
7. G.O.Ms.No.17 M.A & U.D. Department, dated 10-01-2007
8. G.O.Ms.No.678 M.A & U.D. Department, dated 07-09-2007
9. G.O.Ms.No.736 M.A & U.D. Department, dated 03-10-2007
10. G.O.Ms.No.744 M.A & U.D. Department, dated 04-10-2007
11. G.O.Ms.No.279 M.A & U.D. Department, dated 01-04-2008
12. G.O.Ms.No.281 M.A & U.D. Department, dated 01-04-2008
13. G.O.Ms.No.302 M.A & U.D. Department, dated 15-04-2008
14. G.O.Ms.No.569 M.A & U.D. Department, dated 23-08-2008
15. G.O.Ms.No.249 M.A & U.D. Department, dated 16-03-2009
16. G.O.Ms.No.450 M.A & U.D. Department, dated 13-10-2010
17. G.O.Ms.No.34 M.A & U.D. Department, dated 22-01-2011
18. G.O.Ms.No.45 M.A & U.D. Department, dated 28-01-2011
19. G.O.Ms.No.82 M.A & U.D. Department, dated 21-02-2011

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ORDER:

1. In the references read above, Government have issued Comprehensive Building Rules and other related rules which are applicable to Municipal Corporations, Municipalities, Nagar Panchayats and areas covered by Urban Development Authorities in the State. These Building Rules are regulating the building activities in above areas.
2. Government consider that there is a need to bring comprehensive and uniform building stipulations in the State and therefore decided to issue Andhra Pradesh Buildings Rules.
3. A copy of this Order is available on the Internet and can be accessed at the address <http://goir.ap.gov.in/>.
4. The following notification shall be published in an Extraordinary issue of Andhra Pradesh Gazettee dated:09-04-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner, Printing, Stationery & Stores Purchase Department, Hyderabad
for Publication of the Notification in the Gazettee and furnish 1000 copies.

The Director of Municipal Administration, Hyderabad A.P, Hyderabad,

The Director of Town & Country Planning, A.P. Hyderabad,

The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad,

The Metropolitan Commissioner,

Hyderabad Metropolitan Development Authority, Hyderabad,

All Vice Chairmen of Urban Development Authorities,

P.T.O.

All Municipal Commissioners in the State through Director of Municipal Administration, Hyderabad A.P, Hyderabad,
 The Chairman & Managing Director, APTRANSCO, AP, Hyderabad,
 The Commissioner & Inspector General of Registration & Stamps, A.P Hyderabad.
 The Managing Director, Hyderabad Metro Water Supply & Sewerage, Hyderabad.

Copy to:

The Law (A) Department, (2 copies)

The Revenue (R&S) Department,

The Energy Department.

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER

NOTIFICATION

In exercise of the powers conferred by **Section 585 read with 592 of the Greater Hyderabad Municipal Corporation Act, 1955; Proviso under sub section (1) read with sub section (2) of Section 14, 32, 46 and 58 of the Andhra Pradesh Urban Areas (Development) Act, 1975; Section 56 (1) of Hyderabad Metropolitan Development Authority (HMDA) Act, 2008; Section 18 of the Andhra Pradesh Municipal Corporations Act, 1994; Section 326 of the Andhra Pradesh Municipalities Act, 1965 and Section 44 (1) of the Andhra Pradesh Town Planning Act,1920 and in supersession of all the existing rules on the subject**, the Government of Andhra Pradesh hereby issue the following rules applicable to all Urban Development Authority areas and Urban Local Bodies together with Gram Panchayat areas in the State covered in Master Plans / General Town Planning Schemes / Outline Development Plans.

RULES**1. SHORT TITLE, APPLICABILITY & COMMENCEMENT:**

- (a) These Rules may be called '**The Andhra Pradesh Building Rules - 2012**'.
- (b) They shall apply to the building activities in the areas falling in;
 - (i) Hyderabad Metropolitan Development Authority (HMDA),
 - (ii) All Urban Development Authorities,
 - (iii) All Municipal Corporations,
 - (iv) All Municipalities,
 - (v) All Nagar Panchayats,
 - (vi) Gram Panchayat areas covered in Master Plans/General Town Planning Schemes notified under Andhra Pradesh Town Planning Act,1920 and
 - (vii) Industrial Area Local Authority (IALA) / Special Economic Zone (SEZ) notified by Government.
- (c) These rules shall apply to all building activity. All existing rules, regulations, byelaws orders that are in conflict or inconsistent with these Rules shall stand modified to the extent of the provisions of these rules.
- (d) They shall come in to force from the date of publication in the Andhra Pradesh Gazettee.

2. DEFINITIONS: In these rules,

- (a) '**Competent Authority**' means:
 - (i) The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority in HMDA area exclusive of Greater Hyderabad Municipal Corporation (GHMC) Area,
 - (ii) The Commissioner, Greater Hyderabad Municipal Corporation (GHMC)

- (iii) The Vice Chairman of the respective Urban Development Authority.
 - (iv) The Director of Town & Country Planning in case of Municipal Corporations, Municipalities, Nagara Panchayats not covered in Urban Development Authorities and Gram Panchayat areas covered in Master Plans / General Town Planning Schemes notified under Andhra Pradesh Town Planning Act, 1920.
- (b) **'Enforcement Authority'** means:
- (i) The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority.
 - (ii) The Vice Chairman of the respective Urban Development Authority.
 - (iii) The Commissioner of respective Urban Local Body.
 - (iv) The Executive Authority of the Gram Panchayat.
 - (v) The Executive Authority of the Special Unit created as the case may be for the purpose of sanctioning and monitoring building and development activity, as applicable.
- (c) **'Group Development Scheme'** is reckoned as development of Residential Buildings in a Campus or Site of 4000sq.m and above in area and could be row houses, semi-detached, detached Houses, Apartment blocks or High-Rise buildings or mix or combination of the above.
- (d) **'Group Housing'** means the development of building having 5 or more multiple dwelling units and common services on a given site or plot in a single or multiple blocks without customary subdivision of land by way of individual plots.
- (e) **'Height of Building'** means height measured from the abutting road and in case of undulated terrain height can be considered as average of the corresponding ground level. The parapet wall, staircase head room, lift room, water tank are excluded from the height of the building.
- (f) **'High-Rise Building'** means a building with 18m or more in height. However, chimneys, cooling towers, boiler rooms, lift machine rooms, cold storage and other non-working areas in case of industrial buildings and water tanks and architectural features in respect of other buildings are excluded.
- (g) **'Parking Complex/Parking Lot'** means premises either built or open which is utilized purely for parking of vehicles permitted in specific areas.
- (h) **'Sanctioning Authority'** means:
- (i) The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority.
 - (ii) The Vice Chairman of the respective Urban Development Authority.
 - (iii) The Commissioner of respective Urban Local Body.
 - (iv) The Executive Authority of the Gram Panchayat.
 - (v) The Executive Authority of the Special Unit created as the case may be for the purpose of sanctioning and monitoring building and development activity, as applicable.
- (i) **'Transferable Development Right (TDR)'** means an award specifying the built up area an owner of a site or plot can sell or dispose or utilize elsewhere, in lieu of surrendering land free of cost which is required to be set apart or affected for public purpose as per the Master Plan or in road widening or covered in recreational use zone, etc. The award is in the form of a TDR Certificate issued by the Competent Authority.

Terms and expressions which are not defined in these Rules shall have the same meaning as in the respective rules / regulations / bye-laws of the respective local authorities and as defined in the National

Building Code as the case may be, unless the context otherwise requires.

3. RESTRICTION OF BUILDING ACTIVITY IN THE VICINITY OF CERTAIN AREAS:

(a) Water Bodies

(i) 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.

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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.

(ii) The above water bodies and courses shall be maintained as Recreational/Green Buffer Zone and no building activity shall be carried out within:

(1) 100m from the boundary of the River outside the Municipal Corporation / Municipality / Nagara Panchayat limits and 50m within the Municipal Corporation / Municipality / Nagara Panchayat limits. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.

(2) 30m from the FTL boundary of Lakes / Tanks / Kuntas of area 10Ha and above.

(3) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10Ha / shikam lands;

(4) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.

(5) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.

(iii) Unless and otherwise specified in the Master Plan / Zonal Development Plan.

(1) In case of (ii) (1) & (2) above, the buffer zone may be utilised for road of minimum 12m width, wherever feasible.

(2) In case of (ii) (2) above, in addition to development of recreational / green belt along the foreshores, a ring road or promenade of minimum 12m may be developed, wherever feasible.

(3) The above buffer zone to be left may be reckoned as part of tot lot or organized open space and not for setback requirements.

(iv) In case of Protection of Catchment area of Osmansagar and Himayatsagar lakes covered under the G.O.Ms.No.111 MA dated 08.03.1996, the restrictions on building and development activity imposed there in shall be applicable in Hyderabad Metropolitan Development Authority (HMDA) area.

(v) In case of areas along the Sea Coast, the Coastal Regulation Zone (CRZ) regulations shall be followed.

(b) Railways

The distance between the Railway Property Boundary and the edge of the building shall be 30m as per Indian Railways Works Manual or as per No Objection Certificate (NOC) given by the Railway Authorities.

(c) Electrical Lines

(i) In case of sites in the vicinity of High Tension Electricity Transmission Lines besides taking other safety precautions, a minimum safety distance (both vertical and horizontal) of 3m shall be maintained between the building and the High Tension Electricity

Lines and 1.5m shall be maintained between the building and the Low Tension Electricity Lines.

- (ii) In case of Electricity Tower lines, the land all along below the tower line shall be developed as green belt to an extent of the width of tower base and on either side of green belt there shall be a minimum of 10m wide roads or as defined in the Master Plan.

(d) **Airport**

(i) **Building Restrictions**

- (1) For building activity within the Restricted Zone / Air Funnel Zone near the airport, necessary clearance from the concerned Airport Authority shall be obtained.
- (2) The building heights and other parameters shall be regulated as per the stipulations of the Airport Authority of India as notified in Gazette of India Extraordinary (S.O.1589) dated 30-06-2008 and as amended from time to time by Ministry of Civil Aviation, Government of India.
- (3) Irrespective of their distance from the aerodrome, even beyond 22km limit from the Aerodrome Reference Point, no radio masts or similar installation exceeding 152m in height shall be erected except with the prior clearance from Civil Aviation Authorities.
- (4) In respect of any land located within 1000m from the boundary of Military Airport no building is allowed except with prior clearance from the concerned airport authority with regard to building height permissible and safe distance to be maintained between the building and boundary of the aerodrome.

(ii) **Other Structures**

- (1) No chimneys or smoke producing factories shall be constructed within a radius of 8km from the Airport Reference Point.
- (2) Slaughter House, Butcheries, Meat shops and Solid Waste Disposal Sites and other areas for activities like depositing of garbage which may encourage collection of high flying birds, like eagles and hawks, shall not be permitted within 10 km from the Airport Reference Point.
- (3) Within a 5km radius of the Aerodrome Reference Point, every structure/installation/building shall be designed so as to meet the pigeon/bird proofing requirement of the Civil Aviation Authorities. Such requirement may stipulate the prohibition of any cavity, niche, or other opening on the exterior of such building/installation/structure so as to prevent the nesting and habitation of pigeon or other birds.

(e) **Provisions laid under Environmental Impact Assessment Notification-2006:**

As per the provisions laid under the EIA Notification S.O.1533, Dt.14.9.2006 and it's amendment dt.01.12.2009 issued by MOE&F, GOI and Notifications issued from time to time with reference to "Building / Construction Projects/ Area Development Projects and Townships" complying with the following threshold limits fall under category B and are **required to obtain prior Environmental Clearance (EC) from State Environmental Impact Assessment Authority (SEIAA), Ministry of Environment and Forests, Government of India.**

Memo No.13612/M1/2012

Dated: 02.11.2012

- Sub : MA&UD Dept - G.O.Ms.No. 168, dt: 07.04.2012 - Certain requests / information sought from individuals / institutions / organizations - clarifications issued - Reg.
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* * *

The attention of the officers noted in the address entry are informed that, certain requests / information sought from individuals / Institutions / organizations have been received by the Government regarding newly issued Andhra Pradesh Building Rules i.e. G.O.Ms.No.168 MA Dated 07.04.2012.

2. Government have examined the matter in the light of the remarks submitted by the Director of Town & Country Planning, A.P. Hyderabad vide reference 4th cited here by issue the following clarifications regarding newly issued Andhra Pradesh Building Rules vide reference 1st cited.

Sl. No.	Rule	Subject / Issue	Clarification
1	3 (a)(i)	The FTL is to be certified by Irrigation Department 'and' Revenue Department. The word 'and' may be replaced with 'or', otherwise in every case the certificate needs to be obtained from both the departments that is likely to lead to lot of inconveniences to the common man.	NOC is required from both Irrigation (Not below the rank of Executive Engineer) and Revenue (Not below the rank of Joint Collector) departments.
2	3 (d)	Is it necessary to submit No Objection Certificate from Airport authority for a site that does not falls in air funnel zone, and if a person gets NOC from Airport authority for that particular site, is it necessary to submit NOC for other adjoining / nearby sites in which multistoried buildings were being constructed.	Yes. For every site the Owner / Builder shall submit prior NOC from the concerned Air Port Authority; wherever Civil or Defense Airport is existing
3	3 (j) (iv)	The height of building is indicated stating that "limited" to 30mts. Does it mean that any building having height either less or more is not permissible?	It is clarified that under this rule the maximum height permissible is 30m and building with lesser height can also be permitted.
4	4 (b) (c)	In the said rule it is said that for roads which are less than 9.0m width it is required to setback the property boundary at 4.5m from the center of such existing road and from there setback to be left for building line. In the cases where a plot abuts more than one road and one road is above 9.0m and the rest of abutting roads are less than 9.0m actually all the property boundaries abutting to such roads less than 9.0m width should be setback to 4.5m from the center of the road.	As per Rule-4.b & c the plot which abuts the road/roads with less than 9m width, the provisions of the said Rule shall be followed for all such roads.

Sl. No.	Rule	Subject / Issue	Clarification
		<p>But some of the officers are misguiding that there is no need for leaving the site for the sides of the other abutting roads having less than 9.0m if one road is more than 9.0m wide.</p> <p>If this is so, the road can never become through 9.0m roads as at one or more places if the above para is applied.</p>	
5	5 (b)	<p>Table III - If a site falls in commercial land use having an extent of less than 200 sq.mts, As per the table III in Page No.9 parking provision is not there. But if the applicant constructs a commercial building / activity as per the land use. Is it necessary to provide parking, so at what level.</p>	<p>In Table - III it is clearly mentioned in which sites the stilt/cellar floors can be allowed. The parking shall be provided as per Table - V.</p>
6	5 (f) (vii) & (ix)	<p>The provision of "Permissible Plinth Area" is given nowhere else in the rules to cross check</p>	<p>'Permissible Plinth Area' means, the plinth area permissible which is calculated as per the required setbacks without transfer of setbacks and with reference to height and plot size as given in Table-III & IV of these Rules.</p>
7	5 (f) (viii) & (ix)	<p>In the said rule the minimum setback after transfer of 2mt for plots above 750 Square Meters is given as 2.5 m. This is the minimum setback available in the lower slot i.e., between 300 to 750 Square Meters, where 1 m transfer of setback allowed. This means that the minimum setback in the end of lower slot will also be the minimum in the next slot beginning. e.g. for 750 Square Meters plot side setback is 3.5m on transfer of 1m setback the minimum setback will be 2.5 meters for 751 Square Meters plot side setback is 4.0m and only 1.5m can be transferred to keep the minimum setback as 2.5m</p>	<p>Rule-5 shall be followed</p>
8		<p>For 300 Square Meters plot, the side setback is 1.5m and no transfer is allowed. For 301 Square Meters plot, the side setback is 2.0m and upto 1meter transfer is allowed. As per the rule, the correct transfer should be only 0.5m in this case to keep the side setback as 1.5m at the end of lower slot. But some of the officers are allowing to transfer 1m fully and there by the side setback on transfer of 1m is becoming 1m only in the slot of 300 to 400 Square Meters. plots. It is requested to clarify whether it is correct to adopt as the side setback for plots less than 300 Square Meters is 1.5m and for above 300 to 400 Square Meters is 1.0m.</p>	<p>Rule-5 shall be followed</p>

Sl. No.	Rule	Subject / Issue	Clarification
9	5 (I) (xi)	What is "Made up plots."	'Made up plots' mean, the plots which are subdivided or amalgamated subsequently with an intention to exploit the provisions of narrow plots.
10	5 (f) (xv)	<p>18 Meters Height for Commercial Building (Non High Rise): The Height of a Commercial Building for G+4 Floors exceed 15 meters due to Slab Beams, AC ducts etc., Beams & AC ducts consume 1 meter, in every floor, Further, Ground Floor in Commercial Building requires min. 4.25 meters height, to make it appear attractive for Showrooms. In other states, Commercial Buildings are permitted upto a height of 19 Meters, in Non High Rise Category. To this extent, The AP Fire Services Act, 1999 may be amended.</p> <p>It is also requested to permit "Non High Rise Commercial Building" upto a Height of 18 meters, with a condition that the floors shall be restricted to G+4 with provision of following fire safety Measures.</p> <ol style="list-style-type: none"> 1. Provision of 5000 Liters. Over Head Tank with Booster Pump of 450 LPM / 900 LPM. 2. Provision of 10000 Liters Sump at Ground Level. 3. Provision of Down Comer, from roof to ground, connecting all floors. <p>Provision of above facilities can be insisted on plans at the time of approval of the Building Plans itself. The Town Planning people can inspect the provision of the above Fire Fighting measures for the building while Issuing the Occupancy Certificate for the Building. By this amendment, the Developer need not approach Fire Dept. There by save time, efforts etc, while the Fire Safety measures can be enforced more effectively at the Ground Level since It is linked to Occupancy Certificate.</p>	As per the provisions of the Andhra Pradesh Fire Service Act, 1999, Residential buildings of height more than 18 m. Commercial buildings of height 15m and above and buildings of public congregation like Educational Buildings, Cinema Theatres, Function Halls and other Assembly Buildings on plot area of 500Sq.m. and above or of height above 6m are required to obtain prior clearance from Andhra Pradesh State Disasters Response & Fire Services Department from fire safety point of view.
11	7 (a) (vii)	Whether a 'basement or cellar is permissible below tot lot area is not made clear.	Basement or cellar is permissible below tot lot area.
12	11	In the said rule It is said that 20% of land to be developed for EWS & LIG Housing. Whether this is applicable to Single block Apartment Complex constructed in the sites having more than area specified at 11(a), (b) & (c). The rule is not clear, If a single apartment block is proposed then the separation	This Rule amended in G.O.Ms.No. 245, Dt.06-07-2012 shall be followed

Sl. No.	Rule	Subject / Issue	Clarification
		<p>of 20% land and development poses problems on ground. It is requested to make this rule applicable for gated communities where there will be internal roads and separation is possible for EWS & LIG housing by earmarking 20% of site for these developments.</p>	
13	11 (a)	<p>New provision was inserted for Economically Weaker Section (EWS) / Low Income Group (LIG) housing category. Rule 11(a): incase of areas falling in HMDA, VUDA, VGTM UDA where the proposed site area for residential projects is 4000 Square Meters and above the developer shall provide at least 20% of developed land for Economically Weaker Sections (EWS) and Low Income Groups (LIG) housing in such projects. It is not clear whether it is applicable for the construction projects or also for plotted development / lay out areas. Hence, Government may be requested to clarify.</p>	<p>This Rule as amended in G.O.Ms.No. 245, Dt.06-07-2012 shall be followed for housing projects and not applicable for Plotted Developments / Layouts.</p>
14	13 (c) (viii) & (ix)	<p>The 3.6mts drive way is against the minimum norm of 4.5mts wide prescribed in the same rules</p>	<p>This clear space of 3.6m proposed as per rules is for free movement of vehicles and this condition is optional in case of provision of separate drive way in the parking area.</p>
15	15 (a) (x)	<p>In case of group housing buildings having 100 units and above with more than one block, what are the setbacks required for amenities block (3% of the total built up area).</p>	<p>As per Table III and Table - IV as the case may be.</p>
16	15 (a) (xi)	<p>How to arrive the value of executing Bank guarantee.</p>	<p>The amount mentioned in the 'invoice' of the authorized dealer can be considered for insisting the Bank guarantee.</p>
17	16 (b)	<p>As per the Master Plan, if any site is effected in road widening, is the Owner entitled for Excess (Remaining balance) TDR even after availing the setback Concessions.</p>	<p>Owner entitled for Setback Concessions or TDR or extra floor and only one of them shall be considered.</p>
18	16 (b)	<p>Whether the concession is applicable while leaving Master Plan roads, etc (Where there is no RDP) in newly developing areas in such case most likely every site will get the benefit and resultant set back becomes a final one in reality.</p>	<p>Applicable to all Master Plan Roads including those in newly developed areas</p>
19	17	<p>TDR: requested to give clarity with respect of Extension of FSI 1:2.0 benefit to unutilized TDRs issued prior to the Issuance of the G.O.No.168, it is fair and just to extend the benefit to all unutilized TDRs, as all the TDR Holders surrendered valuable land in the past.</p>	<p>The present Rules will apply only for the sites handed over after 9.4.2012.</p>

Sl. No.	Rule	Subject / Issue	Clarification								
20	17 (a)(b)(c)	<p>Transferable Development Right" (TDR) can be awarded only when such lands are transferred to the local body / Urban Development Authority as the case may be by way of registered gift deed. The award would be in the form of a TDR certificate issued by the Competent Authority / Sanctioning Authority.</p> <p>(b) Grant of TDR can be considered by the Competent Authority / Sanctioning Authority for the following areas subject to the owners complying with the conditions of development above, as per the following norms:</p> <p>(i) For the Master Plan Road / Road Development Plan undertaken and developed: equivalent to 200% of built up area of such area surrendered. For conservation and development of lakes / water bodies / nalas foreshores & Recreational buffer development with greenery, etc: equivalent to 100% of built up area of such recreational buffer area developed at his cost.</p> <p>(ii) For Heritage buildings and heritage precincts maintained with adaptive reuse: equivalent to 100% of built up area of such site area.</p> <p>(c) The TDR may be arrived at on the basis of relative land value and equivalent amount in both export and Import areas, as per the Registration Department records. The Competent Authority shall have the discretion in the matter of applicability of TDR. The TDR shall not be allowed in unauthorized buildings / structures / constructions and shall be considered only after the land is vested with the local authority / UDA. The TDR certificate issued would be valid or utilized / disposed only within the concerned local body area and as per guidelines and conditions prescribed.</p>	<p>The Competent Authority for issue of TDR is as follows:</p> <table border="1"> <tr> <td data-bbox="1105 210 1279 595">Nagar Panchayats / Municipalities / Municipal Corporations including those falling in HMDA and UDA areas</td> <td data-bbox="1305 210 1463 595">Concerned Municipal Commissioner</td> </tr> <tr> <td data-bbox="1105 667 1279 887">Gram Panchayats falling in Urban Development Authorities</td> <td data-bbox="1305 667 1463 887">Vice Chairman of concerned UDA</td> </tr> <tr> <td data-bbox="1105 1025 1279 1151">Gram Panchayats falling in HMDA</td> <td data-bbox="1305 1025 1463 1196">Metropolitan Commissioner of HMDA</td> </tr> <tr> <td data-bbox="1105 1357 1279 1576">Gram Panchayats falling with In Sanctioned GTP Schemes</td> <td data-bbox="1305 1357 1463 1518">Director of Town and County Planning (DT&CP)</td> </tr> </table>	Nagar Panchayats / Municipalities / Municipal Corporations including those falling in HMDA and UDA areas	Concerned Municipal Commissioner	Gram Panchayats falling in Urban Development Authorities	Vice Chairman of concerned UDA	Gram Panchayats falling in HMDA	Metropolitan Commissioner of HMDA	Gram Panchayats falling with In Sanctioned GTP Schemes	Director of Town and County Planning (DT&CP)
Nagar Panchayats / Municipalities / Municipal Corporations including those falling in HMDA and UDA areas	Concerned Municipal Commissioner										
Gram Panchayats falling in Urban Development Authorities	Vice Chairman of concerned UDA										
Gram Panchayats falling in HMDA	Metropolitan Commissioner of HMDA										
Gram Panchayats falling with In Sanctioned GTP Schemes	Director of Town and County Planning (DT&CP)										
21	17 (b) (i)	<p>Issue of TDR Bond: In the present rules [rule 17, (b) (i)] the TDR Bonds shall be issued equivalent to 200% of built up area of such area surrendered.</p> <p>The government may be requested to clarify whether this 200% ratio is applicable for the TDR Bonds which are already issued previously and so far not utilized / transferred.</p>	<p>No. These Rules will apply only for the sites handed over after 9.4.2012.</p>								

Sl. No.	Rule	Subject / Issue	Clarification
22	25 (c)	Production of Original Sale Deed before release of sanction plan for cross verification?	'Production of Original Sale Deed' may be insisted whenever required.
23	25 (e)	Individual buildings in plots up to 200 Square Meters with height up to 7 mts in respect of Municipal Corporations including GHMC and 300 Square Meters with height up to 7 mts in respect of Municipalities / Nagar Panchayats are exempted from the conditions (c) and (d) above. [Conditions (c) is for production of original document and (d) is for mortgage of 10% Built up area] The word "UDA areas / Gram Panchayat shall be included	Yes. The words "Municipalities / Nagar Panchayats" includes all Municipalities, Nagar Panchayats and Gram Panchayats falling in HMDA and UDA areas also.
24	25 (e)	Individual buildings in plots up to 200sq.m with height up to 7m in respect of Municipal Corporations including Greater Hyderabad Municipal Corporation (GHMC) and 300sq.m with height up to 7m in respect of Municipalities / Nagar Panchayats are exempted from the conditions (c) & (d) above.	This exemption is applicable for individual residential buildings only

3. The officers noted in the address entry shall take necessary action accordingly.

B.SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of Town & Country Planning,
Hyderabad
The Commissioner & Director of Municipal Administration,
Hyderabad
The Commissioner, Greater Hyderabad Municipal Corporation,
Hyderabad.
The Commissioners of all Municipal Corporations / Municipalities in the State, (through Commissioner & Director of Municipal Administration, Hyderabad A.P. Hyderabad)
The Vice chairmen of all Urban Development Authorities in the State
The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad.

//FORWARDED BY ORDER//


SECTION OFFICER


LTJ
7/11

GOVERNMENT OF ANDHRA PRADESH
MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT DEPARTMENT

Letter.No.20687/M1/2013, Dated: 04.11.2013

From
The Principal Secretary to Government,
MA&UD Department,
A.P. Secretariat,
Hyderabad.



To
✓ The Metropolitan Commissioner,
Hyderabad Metropolitan Development Authority,
Hyderabad

Sir,

Sub : MA&UD - Providing Green Buffer Zone along water bodies - Clarification Issued - Reg.

Ref : From MC, HMDA Lr.No.001673-1/Misc/Plg/HMDA/2013, Dated: 10.09.2013

* * *

I am to invite your attention to the reference cited and inform you that, as per the A.P Building Rules, 2012, the extent of buffer zone to be provided around the tank is either 9 meters of water bodies of area less than 10 Ha or 30 meters for area 10 Ha and above basing on the extent of the tank. In all such cases the boundary of the tank is taken as bund where ever existing and FTL in other sides of the tank.

Yours faithfully

for Principal Secretary to Government
ce

Sl. No.: 23
Date: 21/11/13
Dir (Plg): II
H.M.D.A.
mp

Dir Plg-II

Pl. Communicate to
all Units

ASD(s)
Slu
8/11/13

~~AO Plg~~
AO Plg
PC to all
to all
Units
M
17/11



HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY

Lake Protection Committee
Block-A, HMDA Complex, Tarnaka, Secunderabad – 500007.

☎ Off: 040-27003313
Fax: 040-27001880

No.1404/HMDA/EE L&P/2013-14/9

Dt:07.06.2014.

NOTIFICATION OF FULL TANK LEVEL BOUNDARIES AND BUFFER ZONES OF LAKES/WATER BODIES IN HYDERABAD METROPOLITAN REGION

The Hyderabad Metropolitan Development Authority is constituted under the provisions of HMDA Act, 2008 for the purpose of planning, co-ordination, supervising, promoting and securing the planned development of the Hyderabad Metropolitan Region.

The Hyderabad Metropolitan Region has large number of lakes and water bodies which are of critical importance to the Hyderabad Metropolitan Region for many reasons, including some as mentioned below:

- Recharging of ground water to meet various uses.
- To serve as lung spaces for the large urban population.
- For maintaining ecological balance.
- Maintain the unique character of lake eco system of the Region.
- For developing the foreshore areas as recreational zones.

In order to ensure preservation and protection of lakes and water bodies in HMDA area, the Government of Andhra Pradesh constituted a Lake Protection Committee (LPC) vide GOMs.No.157 MA&UD (I) Department Dt.06-04-2010.

The functions of the Lake Protection Committee (LPC) include listing of lakes in HMDA area, FTL demarcation, protection of FTL areas from encroachment, taking up wide publicity and awareness campaign for protection of the lakes etc.

Accordingly, the Lake Protection Committee has taken up the identification and listing of lakes/water bodies in the HMDA area, involving the field staff of Revenue Department, Irrigation Department and the local bodies.

Lake maps are being prepared showing Full Tank Level (FTL) boundaries, showing Lat-long co-ordinates and buffer zones all around the lakes, and subsequently superimposed with Revenue survey numbers of the relevant part of village map.

RESTRICTION OF BUILDING ACTIVITY IN THE VICINITY OF WATER BODIES.

(As per Building Rules issued vide G.O. 168 MA&UD (M) Dept., dt.07.04.2012.)

- (i) 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.

- (ii) The above water bodies and courses shall be maintained as Recreational/Green Buffer Zone and no building activity shall be carried out within:

(1) 100m from the boundary of the river outside the Municipal Corporation / Municipality / Nagara Panchayat limits and 50m within the Municipal Corporation / Municipality / Nagara Panchayat limits. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.

(2) 30m from the FTL boundary of Lakes/ Tanks / Kuntas of area 10Ha and above.

(3) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10Ha / shikam lands.

(4) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.

(5) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.

After verification and certification by the Irrigation Department, 67 lake maps with FTL boundaries and buffer zones duly showing Revenue Survey Numbers are hereby notified U/s, 11, 13, & 54 of HMDA Act 2008 for filing objections and suggestions on the FTL boundary maps of the lakes as per the list enclosed by 5:00 PM on 15-07-2014 at the following address:

Metropolitan Commissioner
HMDA, & Chairman,
Lake Protection Committee,
Block - A, HMDA Complex,
Tarnaka, Hyderabad - 500007

Member Environment
HMDA, & Convener,
Lake Protection Committee,
Buddha Purnima Building,
6-1-2/1, Tank Bund Road,
HussainSagar,
Hyderabad- 500063

Or alternatively be mailed to the following address.

me@hmda.gov.in (OR) director_lpc@hmda.gov.in

After examining the objections and suggestions received if any on the FTL boundary and buffer zone of lakes notified, the final notification will be issued.

The notification is available on website of HMDA (www.hmda.gov.in)

Sd/-
Metropolitan Commissioner, HMDA
&
Chairman, Lake Protection Committee

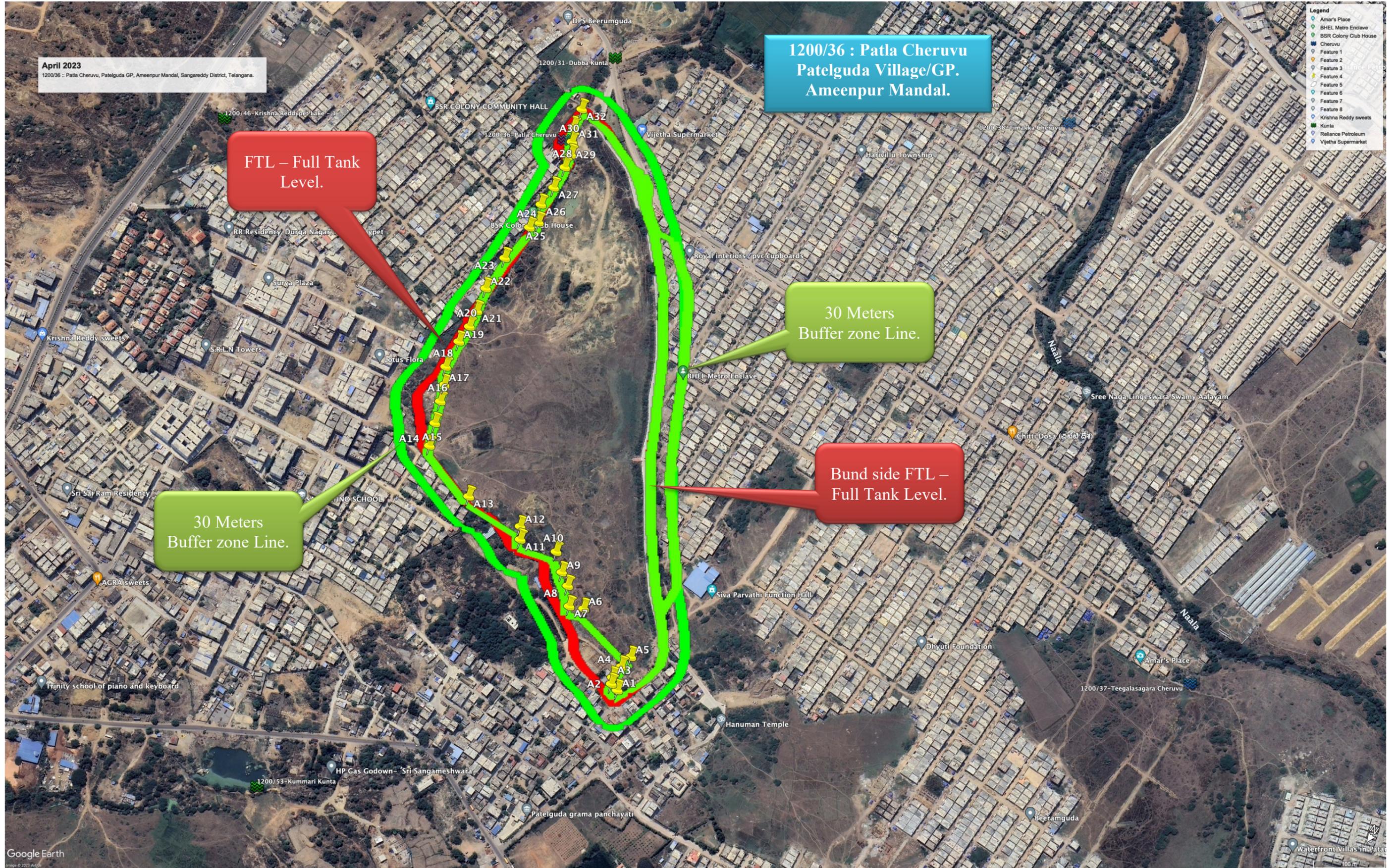
List of lakes notified with FTL boundaries and Revenue Survey Numbers in phase-IX vide Notification Number 1404/HMDA/EE L&P/2013-14/9 dt.07-06-2014				
S.No	Lake ID	Lake Name	Village	Mandal
1	2630	Nidisetu Kunta	Kondapur	Ghatkesar
2	2635	Lothu Kunta	Ankushapur	Ghatkesar
3	2637	Setair Kunta	Ghatkesar	Ghatkesar
4	2633	Pulcheri Kunta	Ghatkesar	Ghatkesar
5	2621	Aushapur Kunta	Aushapur	Ghatkesar
6	4602	Naya Qilla	Golkonda	Golkonda
7	1931	Bairamkhan Cheruvu	Janamguda	Hayathnagar
8	1920	Chintal Cheruvu	Abdullapurmpet	Hayathnagar
9	1976	Kotha Cheruvu	Koheda	Hayathnagar
10	1982	Karkhana Kunta	Kuntloor	Hayathnagar
11	1978	Mangal Kunta	Thorur	Hayathnagar
12	1974	Pasumamula Cheruvu	Pasumamla	Hayathnagar
13	1949	Pollkam Cheruvu	Taramatipet	Hayathnagar
14	1000/95	Gandhi Nagar Cheruvu	Bollaram	Jinnaram
15	1000/94	Mallampet Cheruvu	Bollaram	Jinnaram
16	2741	Dayara Kunta	Nagaram	Keesara
17	2744	Kopula Kunta	Nagaram	Keesara
18	4708	Chinnarayana Cheruvu	Alwal	Malkajgiri
19	1723	Mysamma Kunta	Yadaram	Medchal
20	1700/21	Medchal Cheruvu	Medchal	Medchal
21	1786	Aavusolani Kunta	Raval kole	Medchal
22	1779	Pedda Cheruvu	Rajabollaram	Medchal
23	1700/EN/ 07	Thurkoni Kunta	Girmapur	Medchal

24	1200-48	Ummar Kunta Cheruvu	Ameenpur	Patancheruvu
25	1200/17	Yanke Cheruvu	Muthangi	Patancheruvu
26	1200/16	Pochanna Cheruvu	Muthangi	Patancheruvu
27	1200/37	Teegala Sagar Cheruvu	Patancheruvu	Patancheruvu
28	1200/36	Patla Cheruvu	Patancheruvu	Patancheruvu
29	1200/33	Pochamma Kunta	Ameenpur	Patancheruvu
30	1200/31	Dubba Kunta	Ameenpur	Patancheruvu
31	1200/32	Pishakbowli	Ameenpur	Patancheruvu
32	2831	Errala Kunta	Dommarpochampally	Quthubullapur
33	2857	Karnal Kunta	Bachupally	Quthubullapur
34	2855	Peerzadi Kunta	Bahadurpally	Quthubullapur
35	2934	Itikini Cheruvu	Manchirevula	Rajendra Nagar
36	3626	Kothamoni Kunta	Balapur	Saroornagar
37	3627	Sai Kunta	Mamidipally	Saroornagar
38	3621	Erravani Kunta	Nadergul	Saroornagar
39	3609	Yerra Cheruvu	Balapur	Saroornagar
40	3646	Sunnem Cheruvu	Nadergul	Saroornagar
41	3703	Ranganna Kunta	Kondapur	Serilingampally
42	2700	Chandanagar (Mallai Kunta)	Chanda Nagar	Serilingampally
43	2851	Mogalla Kunta	Komaplly	Quthubullapur
44	2385	Narsimha Kunta	Chinna Golkonda	Shamshabad
45	3806	Nacharam Kunta(Erra Kunta)	Nacharam	Uppal
46	3801	Bandlaguda Cheruvu	Nagole	Uppal
47	3802	Chinna Cheruvu	Ramanthapur	Uppal

48	1000/N/00 15	Kazi Cheruvu	Kazipally	Zinnaram
49	4810	Yellamma Cheruvu	Kukatpally	Balanagar
50	4801	Parki Cheruvu	Kukatpally	Balanagar
51	4809	Nalla Cheruvu	Kukatpally	Balanagar
52	4812	Boin Cheruvu	Hashmapet	Balanagar
53	4201	Tirumalagiri Tank	Tirumalagiri	Tirumalagiri
54	3901	Bathur Kunta	Shaikpet	Shaikpet
55	3900	Anantagiri Kunta	Shaikpet	Shaikpet
56	3726	Ramamma Kunta	Gachibowli	Serilingampal ly
57	3742	Kudi Kunta (Gauthami Lake)	Kondapur	Serilingampal ly
58	3735	Sandappa Kunta Lake	Nanakramguda	Serilingampal ly
59	3757	Masjit E Jalal Cheruvu Lake	Gopanpally	Serilingampal ly
60	3733	Edgavani Kunta	Gopanpally	Serilingampal ly
61	3759	Nayanammakun ta (Baspalli Cheruvu)	Hafeezpet	Serilingampal ly
62	3706	Durgam Cheruvu	Raidurg	Serilingampal ly
63	3719	Chakalavani Cheruvu	Lingampally	Serilingampal ly
64	3702	Chinna Pedda Cheruvu	Gopanpally	Serilingampal ly
65	2927	Pedda Cheruvu	Ibrahimbagh	Rajendra Nagar
66	2931	Mamidla Kunta	Gaganpahad	Rajendra Nagar
67	2926	Muski Cheruvu	Narsingi	Rajendra Nagar

Sd/-

Metropolitan Commissioner,
HMDA & Chairman LPC







BEFORE THE
NATIONAL GREEN
TRIBUNAL

South Zone Bench At
Chennai, T.N.

O.A. No. 102 OF 2022 (SZ)

Between :

1. Human Rights & Consumer
Protection Cell Trust & Ors.

..... Applicants

AND

1. The State of Telangana & 14
Ors.

..... Respondents.

**MEMO FILED BY THE
APPLICANT**

Filed On : 09-08-2023

e-Filed By : 1st Applicant.

Address For Service :

HRCPC Trust
BHEL MIG 982, Serilingampally,
R.R. Dist., Telangana – 502 032.
E-Mail : hrcpctrust@gmail.com
Ph. No. 888552997.