

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.

**Objections Filed By The Applicant On The Report Of  
The Irrigation Department – 7<sup>th</sup> Respondent:**

It is most humbly submitted that,

1. It is true to the extent that the Patla Cheruvu (Lake Id No. 1200/36) has  
been preliminary notified by the LPC.

***w.r.t. para 2 of the Counter Affidavit -***

2. The assertion that the main bund of Patla Cheruvu serves as a thoroughfare  
for people commuting between Kistareddypet Village and Ameenpur is  
incorrect, particularly given the existence of a four-lane road connecting  
the two villages. Contrary to its intended purpose of safeguarding the lake  
and its bund, the Irrigation Department permitted the construction of a  
concrete road on the bund, thus exposing it to potential harm and  
contributing to the shrinkage of the lake. Traditionally, the bunds of such  
lakes are made entirely of mud, functioning as mud dams. These structures

are inherently fragile and susceptible to breaches when disturbed, potentially leading to significant flooding in downstream areas, which can result in considerable loss of life and property.

3. Furthermore, these bunds fall under the purview of the Dam Safety Act of 2021, a piece of legislation that mandates numerous compliance measures for any modifications, alterations, or construction activities on such structures. The Dam Safety Act, enacted by the Indian government, aims to prevent dam-related disasters through proper surveillance, inspection, operation, and maintenance of specified dams. It establishes a robust institutional framework for dam safety at both the central and state levels, including the National Committee on Dam Safety and the National Dam Safety Authority at the national level, and State Committees on Dam Safety and State Dam Safety Organizations at the state level. These bodies are tasked with ensuring the safe functioning of dams and maintaining dam safety standards and policies. Additionally, the Dam Safety Act requires the preparation of an Operation & Maintenance Manual for every specified dam and the allocation of sufficient funds for the maintenance and repairs of these structures.
4. The construction of dams, while crucial for socio-economic development and providing essential services like drinking water, irrigation, and hydroelectric power, comes with its share of environmental and socio-economic challenges. These include the displacement of communities,

environmental degradation, sedimentation issues, and safety concerns.

The management of dams requires a dynamic and responsive approach to mitigate these challenges effectively.

5. Furthermore, there is nothing in the G.O.Ms. No. 126 MA&UD (Plg.1(1) Dept., Dt: 13-07-2022 for carrying out such additional works on the Bund or in FTL & Buffer Zone of the Lakes.

***w.r.t. para 3 of the Counter Affidavit -***

6. The Counter Affidavit in question does not detail the beautification efforts undertaken by the Hyderabad Metropolitan Development Authority (HMDA) for Patla Cheruvu (Lake Id No. 1200/36). This lack of specificity is notable, particularly because the HMDA website, which serves as a public platform for the authority's projects and initiatives, does not readily provide such records either.
7. The HMDA is responsible for preservation and enhancement of lakes within its jurisdiction, as evidenced by the formation of a Lake Protection Committee. This committee is tasked with the administration of lake protection and improvement initiatives across the Hyderabad Metropolitan Region, aiming to address issues such as groundwater depletion and pollution from various sources.
8. Despite this overarching commitment to lake conservation and beautification, specific information regarding projects related to Patla

Cheruvu is not explicitly mentioned in the available public records or on the HMDA's official platform. This absence of detailed information might suggest that the beautification works for Patla Cheruvu have not been documented in a manner that is easily accessible to the public, and such projects may not have been initiated at all.

***w.r.t. para 4 of the Counter Affidavit -***

9. The Irrigation Department's decision to permit the construction of "Peripheral/Artificial bunds" within the Full Tank Level (FTL) or Buffer Zone of the lake has raised significant concerns. This decision, along with the installation of pipes across the bund to facilitate the unobstructed flow of catchment water through natural floodwater channels, appears to contravene established regulations concerning the protection and management of water bodies. Specifically, G.O.Ms. No. 168 issued by the MA&UD Department on April 7, 2012, clearly stipulates stringent restrictions on building and development activities in the vicinity of water bodies, including rivers, nalas, lakes, ponds, cheruvus, and kunta/shikam lands.
10. According to these regulations, no construction is permitted within the FTL of any water body, and a designated buffer zone must be maintained around these areas to preserve them as recreational or green spaces. The guidelines specify minimum distances for these buffer zones, varying based on the type

of water body and its location relative to municipal boundaries. For instance, building activities are prohibited within 100 meters of a river's boundary outside municipal limits and within 50 meters within such limits. Similarly, for lakes, tanks, kunta/shikam lands of 10 hectares or more, a 30-meter buffer zone from the FTL boundary is mandated.

11. The introduction of "Peripheral/Artificial bunds" by the Irrigation Department, therefore, raises questions about the legal basis for such actions, especially considering the explicit prohibitions outlined in G.O.Ms. No. 168. This government order was designed to safeguard water bodies from encroachment and ensure their conservation as ecological and recreational assets. The creation of artificial structures within protected zones not only contravenes these protective measures but also potentially facilitates unauthorized encroachments, thereby shrinking the natural expanse of the lake and compromising its ecological integrity.
12. In summary, the actions taken by the Irrigation Department, as described, appear to conflict with the protective intent of existing regulations, specifically G.O.Ms. No. 168, which aims to preserve water bodies by restricting construction activities within their FTL and designated buffer zones. The legality and environmental implications of such decisions warrant further scrutiny to ensure the conservation of water bodies and adherence to established legal frameworks.

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

(a) **Water Bodies**

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.

(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 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.

*w.r.t. para 8 of the Counter Affidavit – [There are no para 6 & 7]*

13. The Irrigation Department had clearly admitted that a new temple is being constructed on the Bund of the tank. They had falsely mentioned that the New Temple in place of old temple. The OP-7 had not submitted any evidence to that effect and no such 'Old Temple' is being seen in any google earth historical images. The OP-7 had not submitted any building permission for construction of temple on the Bund from the local authority. It is submitted that, no Religious Structure can be constructed in any open space. Where a new temple is being constructed on the bund of a tank without proper authorization and evidence of an existing old temple, is contentious and appears to be in violation of several legal directives. The

Irrigation Department's lack of evidence for the existence of old temple and the absence of building permission from local authorities for the new construction raises serious legal and environmental concerns.

14. The Supreme Court of India, in an order dated January 31, 2018, explicitly directed that no unauthorized constructions should be carried out or permitted in the name of any religious institution on public lands, including streets, parks, or other public places. This directive was part of a broader effort to address the issue of unauthorized religious structures occupying public land, which had become widespread across various states. As per the government's submission in the Orissa High Court, there were thousands of such unauthorized structures, highlighting the scale of the issue.
15. Furthermore, the Delhi High Court has reinforced the obligation of the State to remove all unauthorized constructions on public land, emphasizing that the presence of religious structures does not exempt them from this mandate. The court's stance makes it clear that religious structures cannot be used as a pretext to encroach upon public land or to carry out unauthorized construction.
16. Additionally, the National Green Tribunal's final order dated July 26, 2022, in O.A. No. 419 of 2021, underscored that constructions raised without rightful claims on government land, particularly those marked as open spaces in layout plans, are illegal encroachments. The Tribunal directed the removal of such encroachments and the restoration of the land as per the law,

highlighting the importance of maintaining designated open spaces free from unauthorized constructions, including religious structures.

17. These legal precedents and directives collectively underscore the importance of adhering to authorized land use and the necessity of obtaining proper permissions for construction, especially on public lands and near water bodies. Unauthorized constructions, irrespective of their nature, pose legal, environmental, and social challenges and must be addressed in accordance with the law to ensure the preservation of public spaces and adherence to legal standards.

***w.r.t. para 8 of the Counter Affidavit –***

18. Para 8 is undisputed and the Respondents have grossly violated creating their own 'Pocket-Rules'.

***w.r.t. para 9 of the Counter Affidavit – “Pocket Rules of Irrigation Department”***

19. The Irrigation Department had created their own “Pocket Rules” to allow constructions in the Buffer Zone of a water-body. They have created their own Guidelines vide Memo of “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. It is submitted that the Irrigation Department has no authority to Bypass G.O.MS.No. 168 (MAUD) which are Building Rules framed by Government. A Chief Engineer cannot come out with his own set of ‘Guidelines’ which are in complete violation of the established Building Rules.

On plain perusal of the enclosed MEMO it is submitted that, the MEMO was issued for issuing NOC for the Construction of Residential Houses etc., in Sy. No. 284/P, 285/P & 286/P Situated at Singapur (V), Shankarpally (M) to OKMK employees Association. These illegal 'Guide-Lines' cannot be

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implemented to any other waterbody at all. The 7<sup>th</sup> Respondent had came out with this weak support just to cover-up his illegal act, allowing constructions in the 30 Meter Bufferzone on the Bund Side of the Patla Cheruvu (Lake Id No. 1200/36).

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

21. The Municipal Administration & Urban Development vide its Memo No. 13612/M1/2012, Dt. 02-11-2012 had issued clarifications in respect 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.

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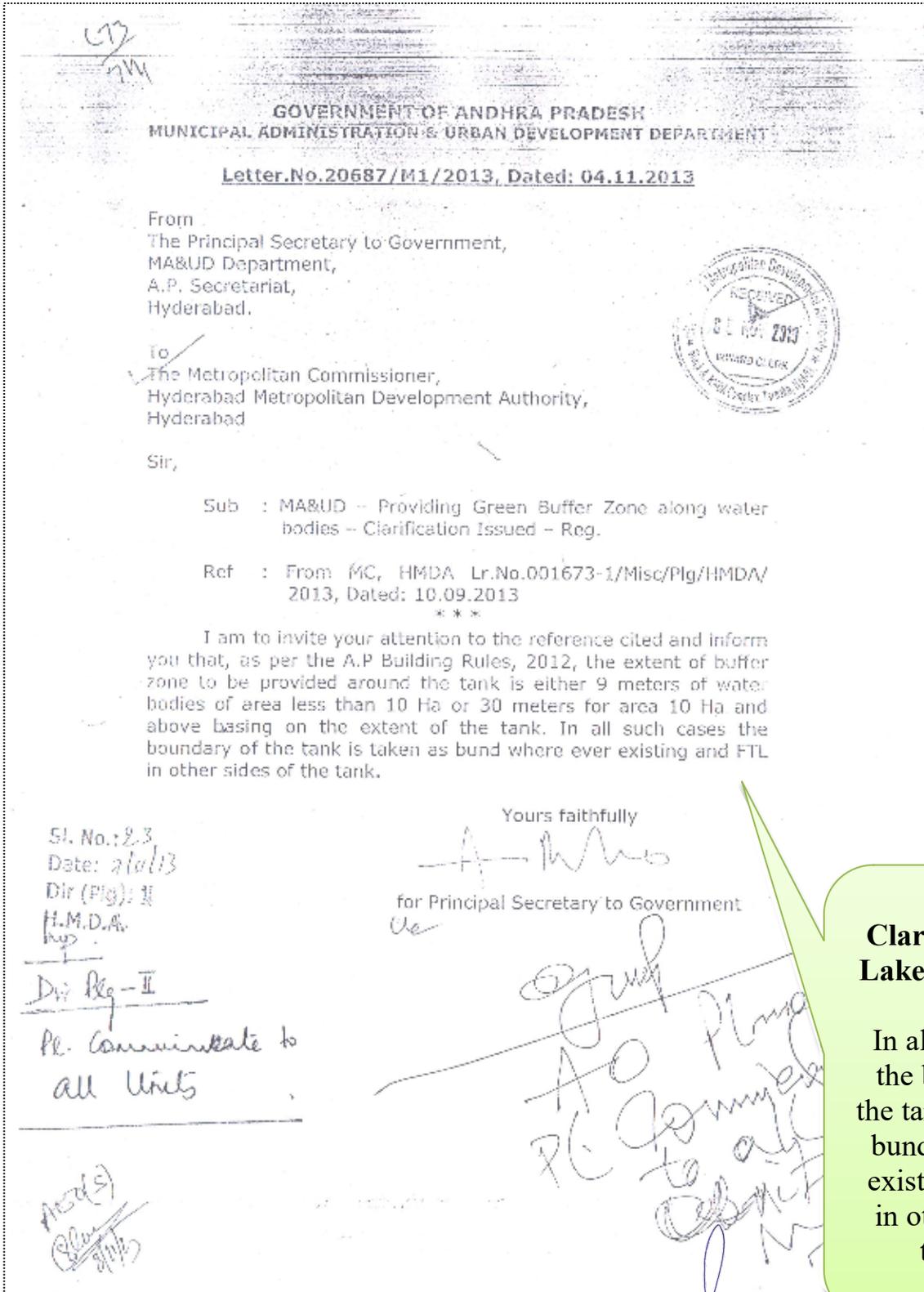
The attention of the officers noted in the address entry are informed that, certain requests / information sought from individuals / institutions / organizations have been received by the Government regarding newly issued Andhra Pradesh Building Rules i.e. G.O.Ms.No.168 MA Dated 07.04.2012.

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 4<sup>th</sup> cited here by issue the following clarifications regarding newly issued Andhra Pradesh Building Rules vide reference 1<sup>st</sup> 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 (a)	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.

22. 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.

23. 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.
24. 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 already submitted as evidence of construction of Temple and Buildings on the Bund and Buffer Zone of the 1200/36 Patla Cheruvu.

Hence, this Memo of Objections.



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

Place : Hyderabad  
Date : 27-01-2024

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**OBJECTIONS FILED BY THE  
APPLICANT**

Filed On : 27-01-2024

e-Filed By : 1<sup>st</sup> Applicant.

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