

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

Original Application No. 102 of 2022 (SZ)

**IN THE MATTER OF:**

Human Rights & Consumer Protection Cell Trust,  
Rep by its Chairman,  
Telangana State & Anr.

...Applicant(s)

Versus

The State of Telangana,  
Rep by its Chief Secretary,  
Hyderabad & Ors.

...Respondent(s)

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Place: Chennai

Date: 27-05-2024

*H.Yasmeen ali*

Counsel for 7<sup>th</sup> Respondent  
H.Yasmeen ali

**Between:**

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

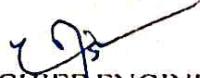
.....Applicants

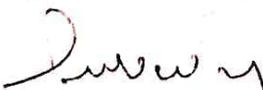
AND

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.

  
SUPERINTENDING ENGINEER,  
IRRIGATION CIRCLE SANGAREDDY

  
CHIEF ENGINEER,  
IRRIGATION UNIT, SANGAREDDY.

  
EXECUTIVE ENGINEER,  
IRRIGATION DIVISION NO 1,  
SANGAREDDY

REPORT FILED BY CHIEF ENGINEER, SANGAREDDY, IRRIGATION  
DEPARTMENT TO OBJECTION RAISED BY THE APPLICANT

It is to submit that the Hon`ble National Green Tribunal, passed orders dated 31.01.2024 in O.A 102 of 2022 based on the objections raised by the applicant in response to the report submitted by the Respondent No.7 i.e. Executive Engineer Irrigation Division Sangareddy.

In compliance with the orders of the Hon`ble National Green Tribunal the replies are herewith submitted as follows:

- Regarding the construction of the temple, it is humbly submitted that the construction of the temple is on the rear side of the bund and as such it will not affect the free flow of water, as it is constructed on the top of the bund of the tank and also it will not affect the storage capacity of the tank. Further, it is to submit that the temple structure is not affected under the FTL and buffer zone of the tank as per the conditions laid under G.O Ms. No.168 of MA & UD Dept, dt:07.04.2012 as alleged by the applicant, as the FTL and buffer zone area falls only on the upstream of the tank.
- It is further submitted that for fixing of the FTL of the tank on the upstream, the crest level of Weir top is taken as the reference level and the same contour level is runned on the upstream side of the tank where the water will be stored up to the FTL Contour and the area falling inside the FTL contour is the FTL area.

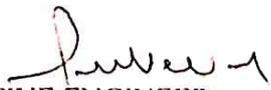
It is further submitted that for the said tank named Patla cheru / Patel Cheru (HMDA Lake ID No. 1200/36) of Patelguda Village of Ameenpur

Mandal which is having FTL area (Ac 37 – 00 Gts) more than 10 hectares a buffer of 30 m from the FTL contour is applicable as per the conditions specified in G.O.Ms No.168 of MA&UD Dated: 07-04-2012.

- Further it is to submit that for any construction in the vicinity of tanks, the guidelines 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:

  
SUPERINTENDING ENGINEER,  
IRRIGATION CIRCLE SANGAREDDY

  
CHIEF ENGINEER,  
IRRIGATION UNIT, SANGAREDDY.

  
EXECUTIVE ENGINEER,  
IRRIGATION DIVISION NO 1,  
SANGAREDDY

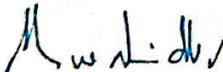
No building/development activity shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta / shikam lands. Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake / Kunta shall be reckoned as measured and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

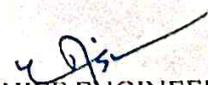
- (i) No building activity shall be carried out within 30m from the FTL boundary of Lakes / Tanks / Kuntas of area 10Ha and above.
- (ii) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10 Ha / shikam lands.
- (iii) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.
- (iv) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width upto 10m.

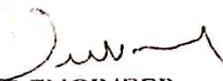
It is further submitted that the term FTL refers to Full Tank Level which is applicable only on the Upstream side of the Tank ie water storage side of the tank It is further submitted that the alleged temple is on the rear side of the bund so the point of FTL doesn't arise.

- It is further submitted that for any constructions on the downstream of the Tank or vicinity of the tank bunds certain guidelines were issued by the Chief Engineer Minor Irrigation, Irrigation Department and as per the guidelines of the Chief Engineer, Minor Irrigation(T), Hyderabad issued vide Memo No DCE-II/OT1/SO3/73/NOC/OFMK Emp Assn 2014-1 dt:24.04.2014 with regard to land falling in the vicinity of tank bunds a buffer of 5.0 Metres has to be left from the toe of the bund for movement of inspection vehicles for the bund heights less than 3.40 Mts and a buffer of 10.0 Mts has to be left in the bunds more than 3.40 Mts heights.

Hence as per the above guidelines, a bund buffer of 10.0 m is applicable for the Patla cheru tank (HMDA Lake ID 1200/36). It is further submitted that besides the temple, there are no other encroachments as alleged by the applicant as per the above guidelines.

  
SUPERINTENDING ENGINEER,  
IRRIGATION CIRCLE SANGAREDDY

  
CHIEF ENGINEER,  
IRRIGATION UNIT, SANGAREDDY.

  
EXECUTIVE ENGINEER,  
IRRIGATION DIVISION NO 1,  
SANGAREDDY



4a



Subway

River

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

**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**

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.

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

GOVERNMENT OF ANDHRA PRADESH  
IRRIGATION & CAD DEPARTMENT

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

Memo.No. DCE - II /OTI/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.

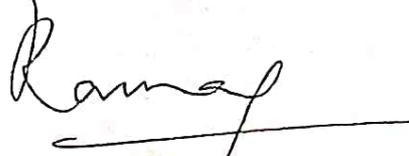
1. A copy of the application is to be enclosed to the proposal.
2. Joint Inspection report conducted by the Concerned Section Officer and Revenue officer not less than the rank of Tahsildar along with the Mandal Surveyor should be enclosed.
3. Index map showing the location of the Irrigation source has 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

**VERIFICATION**

I, V Ajay Kumar S/o Sri V.Mallikarjuna Rao, Aged about 60 Years, Chief Engineer, Sangareddy, I&CAD Irrigation Department here in do here verify that the contents stated in the above report are true and correct to the best of my knowledge and belief ans as per the records.

Hence verified on this 10<sup>th</sup> day of April 2024.

Hyderabad,  
Date: 10.04.2024



Deponent  
Chief Engineer,  
Irrigation unit, Sangareddy.