

**Report on Hon'ble NATIONAL GREEN TRIBUNAL Orders in
O.A.No.123/2021 (SZ) in connection with Construction of Outer
Ring Road to Gajwel Town with respect to encroachment of Berri
Cheruvu**

The Hon'ble National Green Tribunal (NGT) Southern Bench, Chennai, has constituted Joint Committee in OA of 123 of 2021 (SZ) (date of hearing: 16.06.2021) and its members as per the Para 15 of the order on the above subject matter is as follows:

- 1) The District Collector, Siddipet District – Convener of the Committee
- 2) A Senior Officer from Ministry of Environment, Forest and Climate change (MoEF &CC), Integrated Regional office, Chennai.
- 3) A senior officer from Central Ministry of Water resources as directed by the Principal Bench of National Green Tribunal in(OA No.319 of 2018 and O.A.No.465 of 2018 by order dated:30.07.2018
- 4) A senior officer from the lake protection Committee, state of Telangana
- 5) The Chief Engineer from the Irrigation Department, State of Telangana

Accordingly, the following compositions of members are nominated by the various organisations:

1. Sri Muzammil Khan, IAS, Additional Collector, Siiddipet District & Convener, Committee.
2. Sri.Dr. Arockya Lenin, Scientist 'C', IRO, Ministry of Environment, Forest and Climate Change, Integrated Regional office, Hyderabad, Government of India.
3. Sri M.Ramesh Kumar, Director, M&A(TS) Central water commission, Hyderabad, Government of India
4. Sri J Krishna Rao, Executive Engineer, Lake Protection committee, HMDA, Government of Telangana
5. Sri.T.Venu, Superintending Engineer, Irrigation & CAD Department, Kaleswaram Project, Gajwel, Siddipet District, Government of Telangana.

The Report of the committee is as below:-

The joint committee visited the location of Barri Cheruvu, situated at in Sy.No.90, Mutrajpally village, Gajwel Mandal, Siddipet District, Telangana state on **01.12.2021**, where a road is under construction and also the location of the surplus weir of the Barri Cheruvu. The joint committee observed the actual nature of land, condition of lake, FTL of tank, area of tank, storage capacity of tank, inflow systems, revenue records from the year 1950, details of mutations, extent of land under lake and the road work being executed by Roads & Buildings Department and also interacted with the applicant of OA. The joint Committee after the visit and subsequent deliberations concluded the following questions and factual position of the project as follows.

Barri Cheryvu is formed by raised bunds on three sides and upland fields on the remaining side. The Full tank level (FTL) of 114.228m is maintained due to a masonry surplus weir situated on one of the raised bunds. The Top Bund level (TBL) is 115.746m. The tank water is mainly used for irrigation purpose only. At the time of the visit, the water level in the tank is 0.3m below the top of the surplus weir i.e. FTL. During the visit it is found that an embankment/bund is formed by the Roads and Buildings Department, for construction of road, towards the side of upland fields about 250m into the Barri Cheruvu i.e. within the FTL of the tank providing cross drainage works at two locations for free flow of water. This is confirmed by the fact that, even though the water level at the time of visit is 0.3m below FTL, it can be seen that the Road is formed at one end of the tank. It is estimated that the loss of capacity due to this about 0.6 Mcft. out of the total capacity of 12 Mcft at FTL, which is around 5%. Also, other paraphernalia such as electric poles are also erected beside the road embankment/bund.





Embankment/bund laid for construction of the Gajwel ring road & stream at
Cross drainage



Cross drainage for free flow of water



Surplus weir of the tank



Joint Committee members interacting with the applicant of OA

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I) Nature of land through which the proposed project is expected to come in water body or the wet land, on the basis of the original revenue records (prior 1950s) maintained in the districts and the extent mentioned therein. In case subsequent mutations changed the land from water body into another category, the date from which the mutation was permitted and the basis on which it was carried out along with details of the officers is to be furnished.

The land for site of Barri Cheruvu in Sy.No.90 of Mutrajpally village, Gajwel mandal is a water body. The total extent of water body is Ac 45-17 Gts. There have been no mutations done to the land in which the lake is situated from the year-1950.

II) Whether the proposed project falls within the FTL of the 'BARRI CHERUVU' Tank:

Yes, the road project under construction is within the FTL of the Barri Cheruvu tank. Necessary embankment/bund for the construction of the Gajwel Ring Road is laid through the land of the water body, though it is to one side of the tank.

III) Whether any work has been done by the Public works Department, Roads and Building obstructing the flow of water into the water body and the nature of such work already done by them:

No. The Public works Roads & Building Department has laid the embankment work, it is necessary for construction of the road. However, for flow of water two numbers cross drainage works having 3-Vents of size 4.0 mX2.50 m were constructed.

IV) Whether necessary permissions have been obtained by the project proponent for executing the work from the concerned departments:

As per the available record, the preliminary work was started without any permission from the Irrigation & CAD department, subsequently the necessary "No Objection Certificate" permission was granted by the I&CAD department. The NOC granted is enclosed as Annexure-I.

V) Whether any damages will be caused if the proposed laying of the road is allowed as per the present design by the project proponent:

As the embankment/bund for laying of the road has already been constructed, damage will be caused to the free biotic movement within the lake which is now

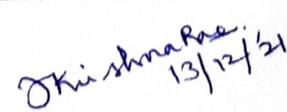
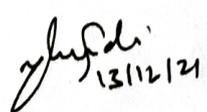
restricted the two locations where cross drainage works are provided. However, as it is to one corner of the lake, the joint committee is of the opinion, the damages shall be minimal.

VI) Whether if the project has to be permitted to continue then what is the method by which the tank can be protected without affecting its flow and storage capacity:

The Present proposed Gajwel Ring Road Project is not affecting the flow of water. The loss of storage capacity of the tank can be made good by raising the weir by about 10cms and to prevent submergence of the upland fields to that extent, a toe wall can be constructed to avoid water spreading, which should be back filled upto the top of the toe wall.

VII) If any damage has been caused on account of the work so far done, the committee is directed to assess the damage caused and also assess the environmental compensation for restoring the damage caused including the flow of water into the tank.

No damage could be seen except the loss of storage to the extent of 0.6Mcf which can be made good and is technically feasible by increasing the FTL by 10cms. It can be achieved by raising sill level of the surplus weir.

1	Sri Muzammil Khan, IAS, Additional Collector, Siddipet District, Convener Committee, Government of Telangana	
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3	Sri. M. Ramesh Kumar, Director, Central water commission, Hyderabad, Government of India	 13/12/21
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