

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)
AT CHENNAI
ORIGINAL APPLICATION No.123 of 2021 (SZ)

INDEX

Sl.No.	Description	Page Nos.
I	Objections to Joint Committee Report	1 - 6
II	Photographs	7-12

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ)
AT CHENNAI

ORIGINAL APPLICATION No.123 of 2021 (SZ)

In The Matter Of:

Gouraram Rajasekhar Reddy
S/o.G.Sriram Reddy,
H.No.2-1-1/3 and 2-1-1/4/B,
Flat No.402, Jayasekhara Nivas,
Nallakunta, Hyderabad.
State of Telangana.

... Applicant

Vs.

The State of Telangana
Rep.by its Chief Secretary,
Telangana Secretariat, Hyderabad,
Telangana State & 11 Others.

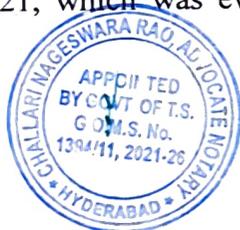
... Respondents

AFFIDAVIT - OBJECTIONS TO JOINT COMMITTEE REPORT
DT.13.12.2021

I, Gouraram Rajasekhar Reddy S/o.G.Sriram Reddy, aged about 42 years, H.No.2-1-1/3 and 2-1-1/4/B, Flat No.402, Jayasekhara Nivas, Nallakunta, Hyderabad, do hereby solemnly affirm and sincerely state as follows:

1. I am the applicant and party in person in OA.No.123/2021 (SZ), as such I am well aware of the facts and circumstances related to instant application. I hereby raise few objections with regard to the Joint Committee Report, dt.13.12.2021.

2. The Hon'ble NGT, Southern Bench, Chennai has constituted Joint Committee in O.A.No.123/2021 (SZ) vide order dt.16.06.2021. In compliance of the said order, Joint Committee visited the "Berri Cheruvu" located at Mutrajpalli Village of Gajwel Municipality on 01.12.2021, the said committee prepared the report dt.13.12.2021, which was eventually e-filed before the Hon'ble NGT on 08.01.2022.



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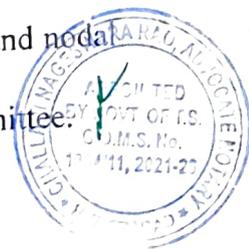
3. The composition of Joint Committee as directed by the Hon'ble NGT is as follows:

- (i). The District Collector, Siddipet District - Convener of the Committee.
- (ii). A Senior Officer from Ministry of Environment, Forest and Climate Change (MoEF & CC), Integrated Regional Office, Chennai.
- (iii). A Senior officer from Central Ministry of Water resources as directed by the Principal Bench of National Green Tribunal in (OA.No.319/2018 and O.A.No.465 of 2018 by order dt.30.07.2018.
- (iv). A Senior officer from the lake protection committee, State of Telangana.
- (v). The Chief Engineer from the Irrigation Department, State of Telangana.

Objections:

4. Composition: The Joint Committee is composed of District Collector, Siddipet District who is the convener of the Committee and Nodal Officer. It is imperative to state that the said District Collector is arrayed as Respondent No.6 in the instant application. Further, the District Collector, is instrumental in the implementation of the project Gajwel Outer Ring Road, in fact he was the officer who had diverted the subject road into the water body, knowing well that it is impermissible under the law, despite the objections from this applicant and from various other quarters, deviating from the original alignment which was beyond the buffer zone of the water body, for the reasons best known to him. Further, the Chief Engineer from Irrigation Department, State of Telangana is arrayed as Respondent No.8, in the instant application, who is also one of the members of the Joint Committee. The inclusion of this two officers in the Joint Committee goes against the principles of natural justice, 'No one should be a judge in their own cause'. It is one of the cardinal rules of natural justice that no one should act as a judge in a case in which they have personal (vested) interest. The District Collector, being a party to this application and as such being a convener and nodal officer of the Joint Committee, vitiates the deliberations of the Joint Committee.

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5. For the question No.III, the Joint Committee as replied 'No' for the question, that as any work been done by the PWD or R&B Department, but however they state that the embankment/bund is laid in the FTL of the lake, which is contradictory. Further, the Joint Committee opined that who cross drainage works having 3 vents of sizes 4.0 x 2.50 meters were constructed, as such free flow of the water is not obstructed. It is strongly objected that laying an embankment/bund cutting of the whole of the catchment area of the lake, in itself will lead to slow death of the water body. Further, the cross drainages may not be an alternative to free flow of water, since it will lead to water stagnation and flooding in the event of heavy rain fall during monsoon season, it may eventually lead to inundation of the area beyond the buffer zone, causing flooding of the housing colony which have come up in the vicinity of the lake. Moreover, the Joint Committee has failed to consider that a huge urban conglomeration, consisting of nearly 10,000 housing units namely R & R Colony, has come up in the vicinity of the lake. In these circumstances any obstruction to free flow of water and cutting of the catchment area will be detrimental to the ecology and environment of the area.

6. For question No. V, the Joint Committee opined that since already the embankment/bund is laid in the FTL of the lake and since it is the one corner, of the lake, the damage is minimal. But however, the Joint Committee states that the subject embankment/bund for laying of the road is 200 meters into the lake, so the statement that it is one corner of the lake is self defeating and contradictory. And also the Joint Committee had failed to state the exact extent of the FTL encroached by laying of this embankment/bund in the lake bed. Even, according to the NOC issued by the Jurisdictional Irrigation Department, dt.14.06.2018, which states that the area being affected by the project road is Ac.3.36 Gts., (approximately Ac.4.00).

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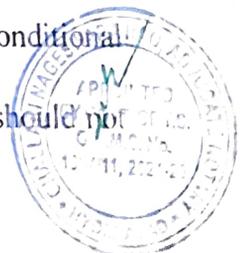


7. For question No.VI, Joint Committee as stated that the project can be permitted, since it is not affecting the free flow of water, is completely devoid of merits as the embankment/bund is cutting of the entire catchment area of the lake. When the topography of the lake is observed, the lake is of triangular shape with Tank Bund on one side, Sangapur Road on the other side and on the 3rd side lies the entire catchment area, on which side the subject embankment/bund is laid. The Joint Committee has opined that loss of storage capacity of the lake is only 0.6 Mcft, they failed to observe that the embankment/bund is of 150 meters width and above 400 meters length in the FTL of the water body, which appears to be encroaching area much higher than the Ac.3.36 Gts., as was conceded by the Irrigation Department in its NOC dt.14.06.2018. As the NOC itself states that the area of the lake being affected by the subject road is about 10% of the water body, which in reality appears to be almost 20% of the lake area.

The opinion of Joint Committee to make good loss of storage capacity of the lake by raising 10 centimeters the wier and to prevent submergance of the upland fields on the side of the subject embankment/bund, can be prevented by constructing a toe wall is impractical and further the said toe wall will cut off the catchment area of the lake, which will eventually lead to drying up of the lake. The idea proposed by the Joint Committee to save the work already done on the FTL, is not only devoid of merits but is also impracticable and impermissible under the law. It appears to be after thought to protect the work already done on the FTL in violation of the interim orders of this Hon'ble Tribunal, dt.10.05.2017 in O.A.No.100/2017 (SZ) and interim orders of the Hon'ble Supreme Court in Civil Appeal No.10209/2018.

Further the NOC dt.14.06.2018 of the Irrigation Department is a conditional NOC which has imposed mandatory conditions, that the subject project should not

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affect the storage capacity of the lake or FTL or the MWL of the lake. But, all these conditions were violated by laying the subject embankment/bund on the lake bed. As such the NOC of their own Irrigation department was violated bluntly and blatantly, by the project implementing authority i.e., R & B Department and the District Collector.

8. The Joint Committee opined that no damage is caused, except for loss of storage capacity of the lake to an extent of 0.6 Mcft, which is baffling when the amount of damage done to the water body is clearly visible. As per the own account of the Joint Committee the embankment/bund is 200 meters into FTL of the water body way beyond the FTL and buffer zone. Further, the encroachments on the FTL have come up in the recent times after laying of the embankment/bund, on the side of the said bund. When the same was brought to the notice of the Joint Committee at the time of inspection on 01.12.2021, the Joint Committee declined to look into the issue for the reason that it is way beyond its mandate and also there are no FTL markings fixed in the lake vicinity.

9. After laying of the subject embankment/bund in the FTL of the lake, quite a few encroachments have appeared on the lake bed, where permanent compound walls are constructed and a few buildings have also come up in FTL of the lake. There is no fixation of the FTL nor are there any markings demarcating the FTL and buffer zone of the lake. The Joint Committee had stated in its report that extent of the lake as per the revenue records is Ac.45.17 Gts., but however physically the area of the present water body appears to be much lesser.

Solemnly and sincerely affirm this
the day of 03.03.2022
and signed his name in my presence.

ATTESTED
Before Me
CHALLARI NAGESWARA RAO, AG 102215
Notary, Appointed by Govt. of T.S.
G.O.M.S. No. 1394/11, 2021-2026
H/O-4, B-4, F-12, Beghlingampally, Hyd-47.



[Handwritten Signature]
Deponent

VERIFICATION STATEMENT

I, Gouraram Rajasekhar Reddy S/o.G.Sriram Reddy, aged about 42 years, H.No.2-1-1/3 and 2-1-1/4/B, Flat No.402, Jayasekhara Nivas, Nallakunta, Hyderabad, being the applicant/ party in person/person acquainted with the facts do hereby verify and state that the contents of the above paras of the Affidavit are true and correct to the best of my knowledge.

Hence verified at Hyderabad on this the day of 03.03.2022

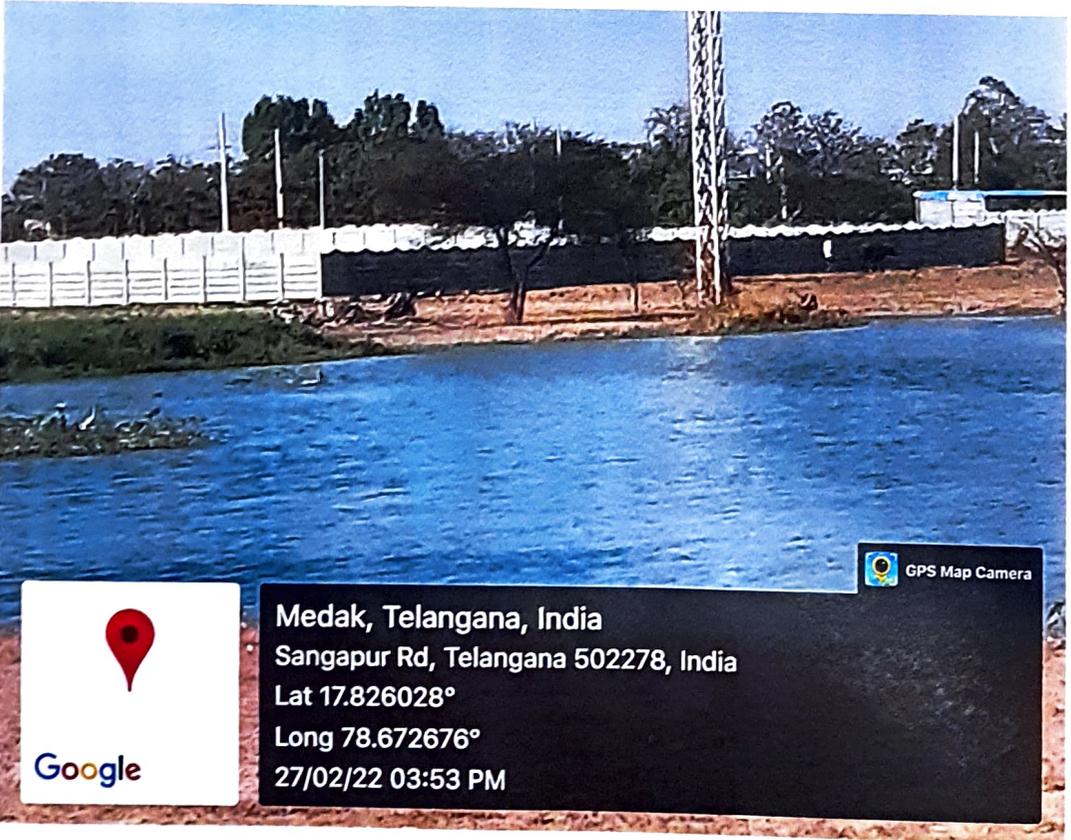
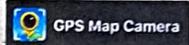

Party in Person


Deponent

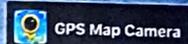


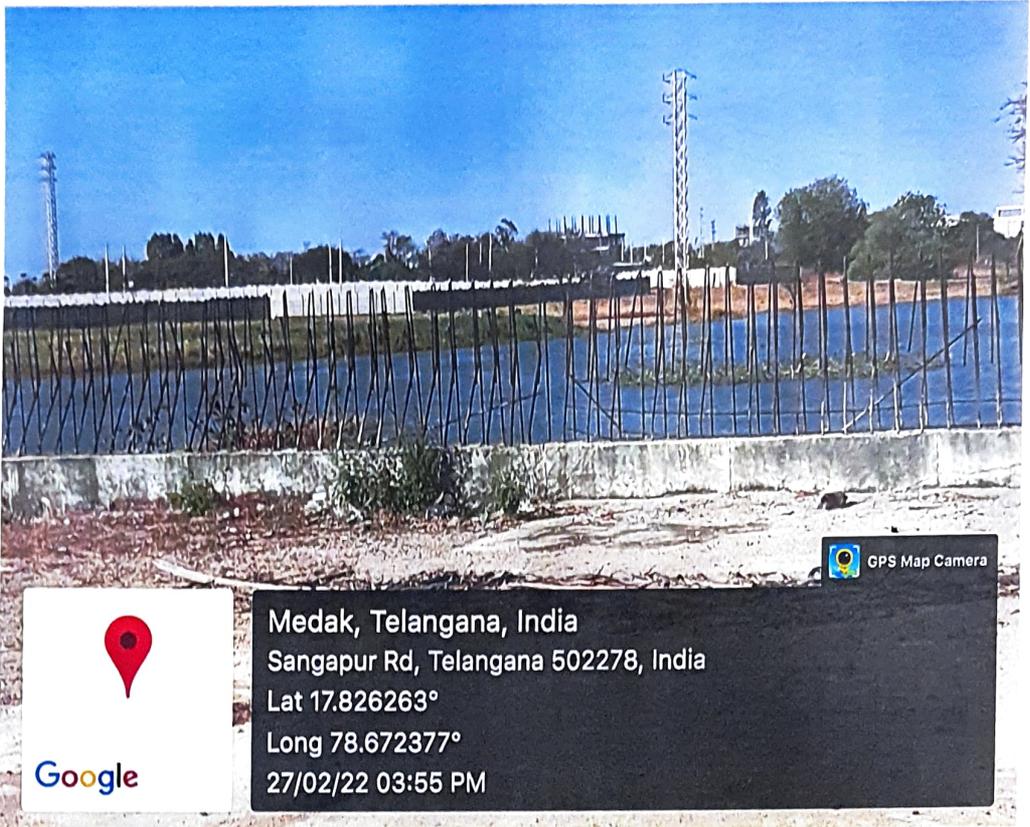


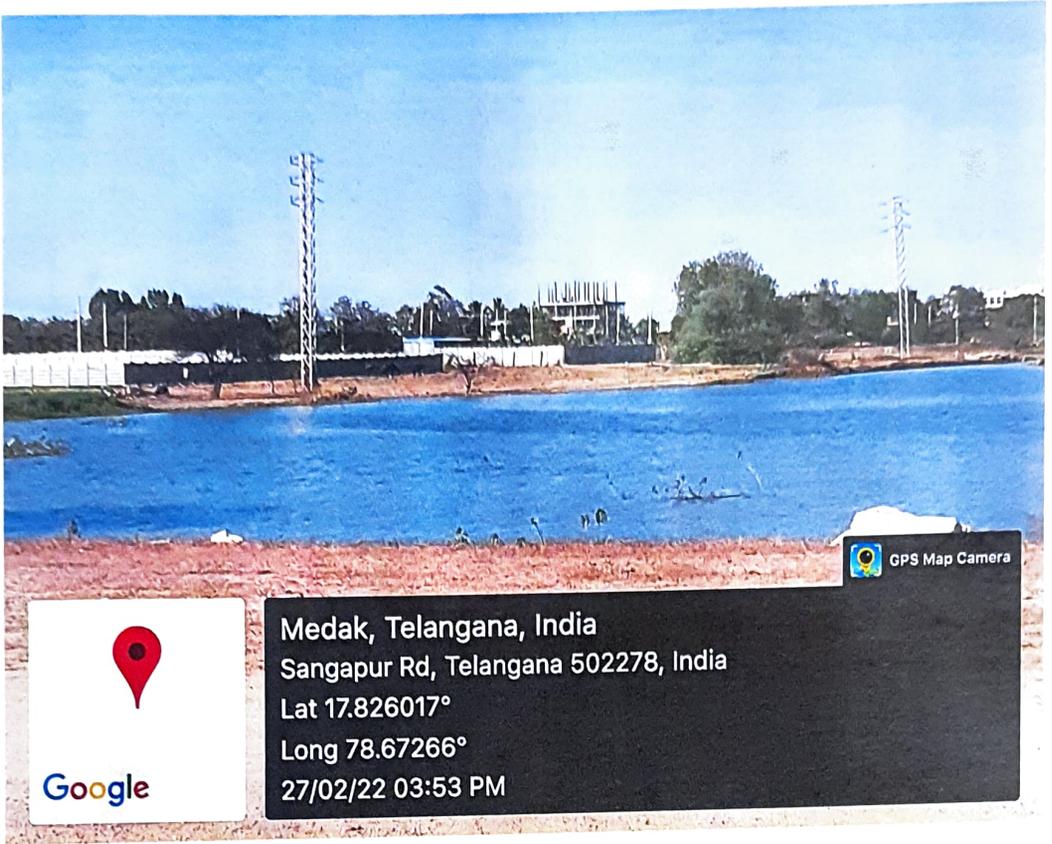
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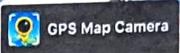
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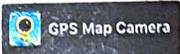




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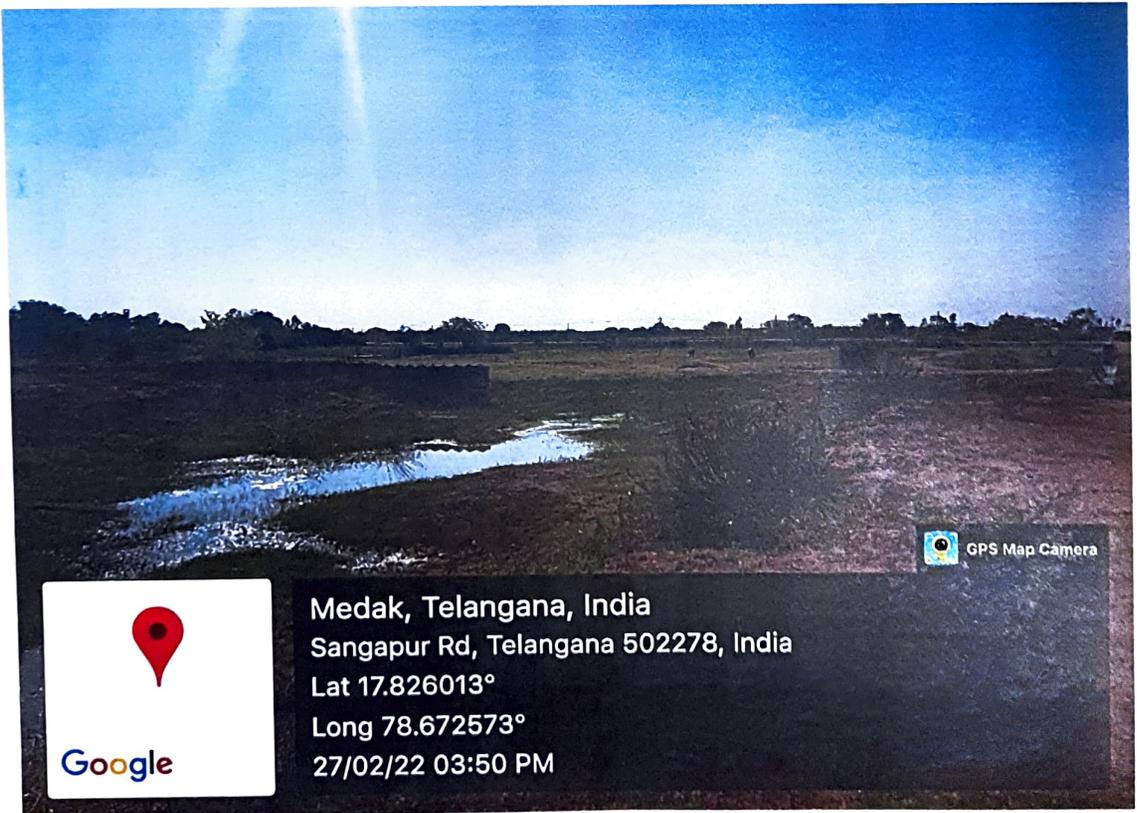


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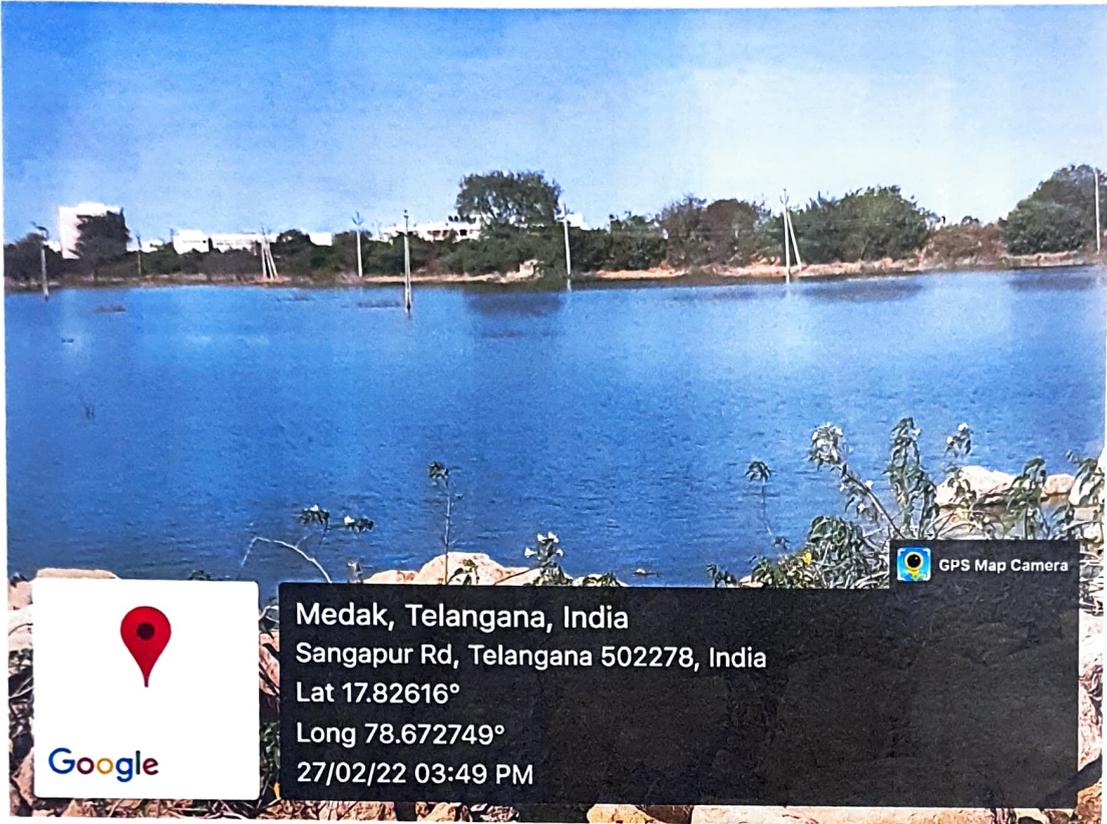




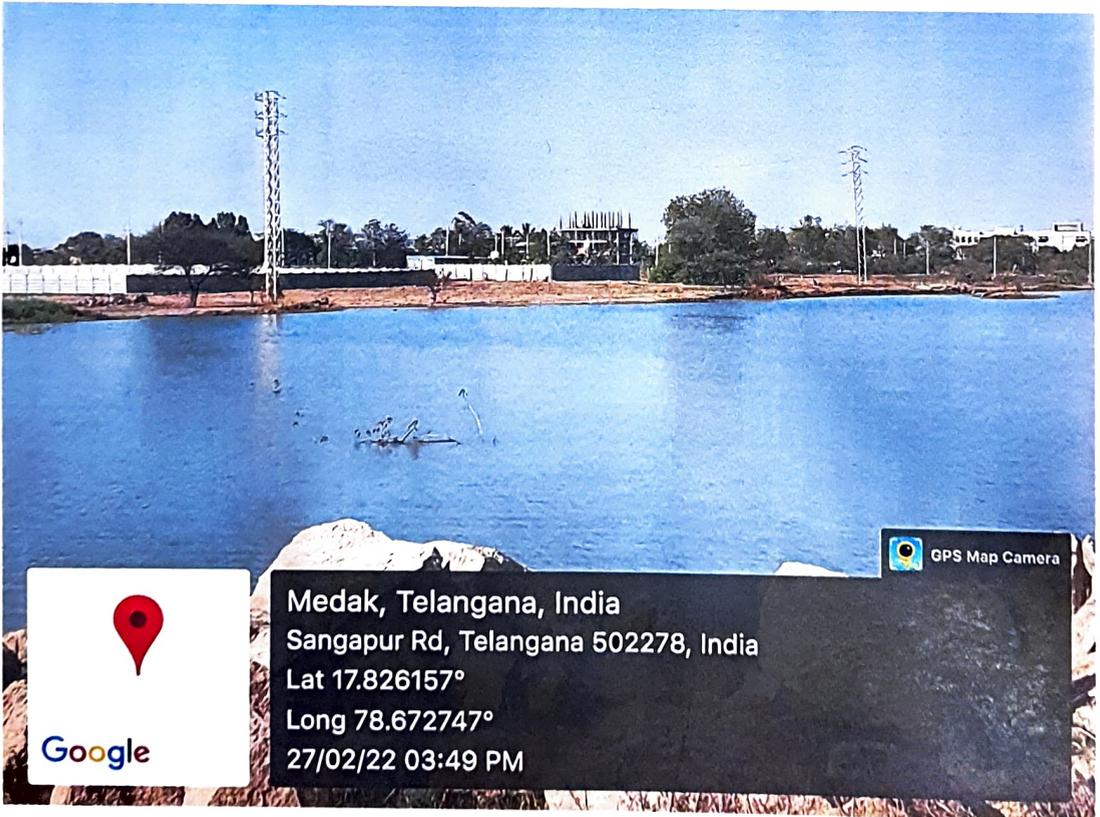
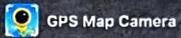
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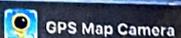
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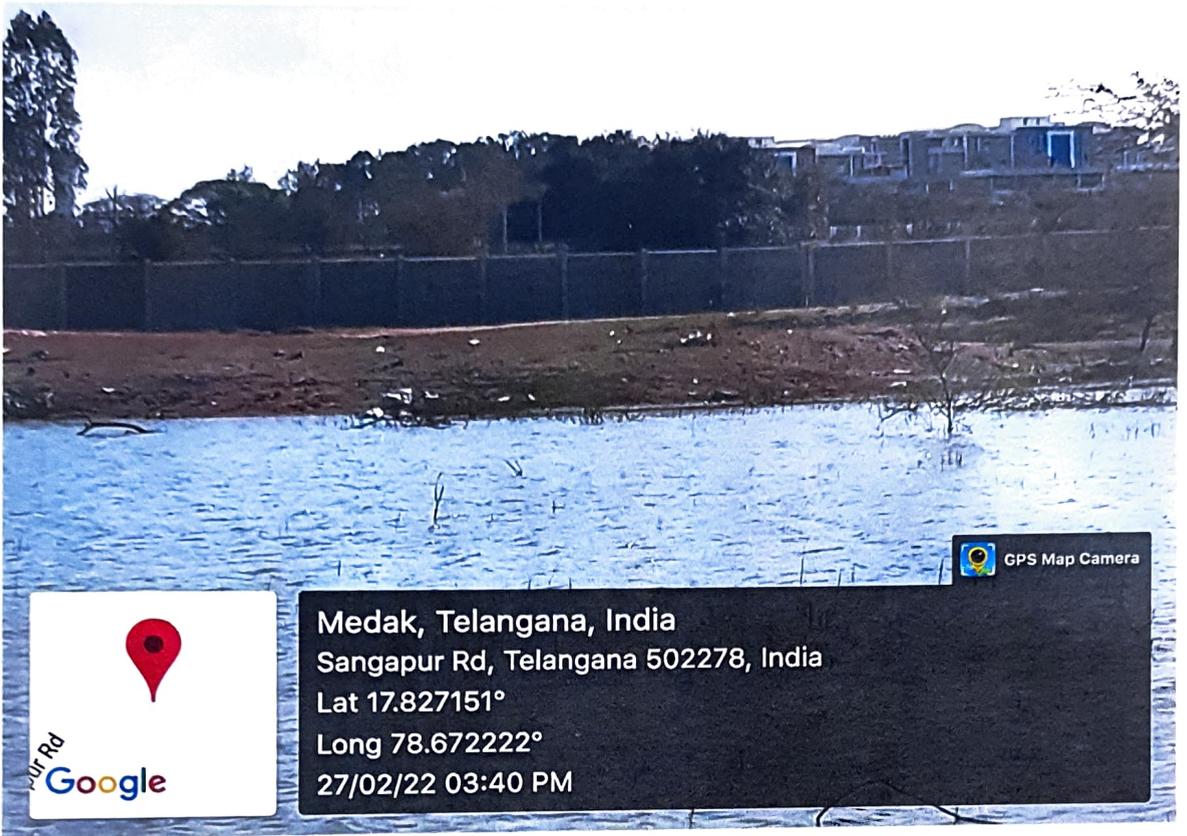


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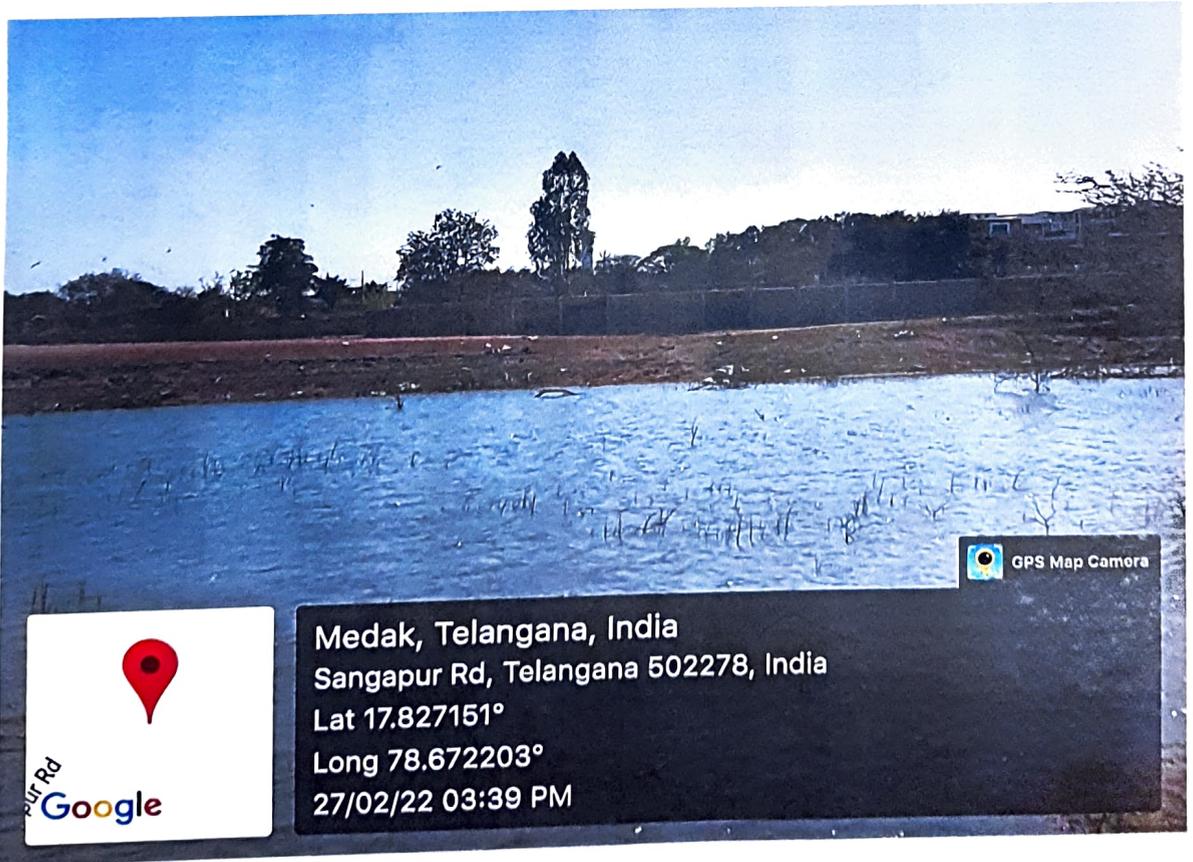


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