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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH: AT CHENNAI
ORIGINAL APPLICATION No.123 of 202(SZ)**

IN THE MATTER OF:

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

Applicants

-VS-

The State of Telangana
Rep.by it's Chief Secretary
Telangana Secretariat, Hyderabad
Telangana State and 11 others.

. Respondents

REPLY AFFIDAVIT FILED BY THE 9TH RESPONDENT

I, G.Vasant Naik S/o. Late Sri G.Veeranna, aged 50 years, Occ:
Superintending Engineer (R&B), Circle at Sangareddy, Telangana State, do
hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the Superintending Engineer (R&B), Circle Sangareddy,
Telangana State and the 9th respondent and also on behalf of R1 to R4 and
R6 to R12 and other respondents filing the reply affidavit herein and I am
well acquainted with the facts and circumstances of the case.

2. I submit that I deny all the averments contained in the application except
those that are specifically admitted herein. It is respectfully prayed that
these respondents may be permitted to file additional reply statement,
documents if necessary at a later stage.

3. I submit that the petitioner filed the previous Applications with a seeking
to prevent the encroachment and destruction of BARRI CHERUVU Lake in
Survey No.90, an extent of Acres 45-17 Guntas in Mutrajally village, Gajwel
Mandal, Siddipet District, Telangana State. In this regard, the Hon'ble Green
Tribunal has disposed by the opinion that in the interest of protection of
Environment that a representative of Ministry of Water Resources look into
the matter by Personal visit to the site and to give his opinion which will be

acted upon by the State of Telangana. The representative from Ministry of Water Resources will be given all technical and other assistance by state of Telanagana for accomplishing the directions of the Hon'ble Green Tribunal. The said representative may visit within one month.

4. Further the petitioner has filed statutory Civil Appeal no.10209/2018 before the Hon'ble Supreme Court of India, under section 22 of National Green Tribunal Act, 2010 against the order dated 30.07.2018 in Original Application No.465 of 2018 (Earlier No.100 of 2017(SZ) & O.A.No.319 of 2018. Vide a Common Order, wherein the matter was disposed off by the Hon'ble Supreme Court of India dated: 01.04.2019 directing applicant to approach the Hon'ble National Green Tribunal.

"We find no reason to interface with order passed by the National Green Tribunal" The Civil Appeal is accordingly dismissed.

5. In this connection as per Orders of Hon'ble National Green Tribunal, (SZ), Chennai vide O.A.No.123 of 2021 (SZ) (Through Video Conference) dated: 11.06.2021, the Collector & District Magistrate Siddipet has constituted the Joint Committee and its members as per the Para 15 of the order on the above subject matter are 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 officers are nominated as members of the committee by the various organisations:


superintending Engineer (K&S)
CIRCLE, SANGAREDDY.

1. Sri Muzammil Khan, IAS, Additional Collector, Siiddipet District & Convener of the 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 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 (Annexure-I).

Barri Cheruvu 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 0.3 m below the top of the surplus weir i.e. FTL. During the visit the Joint Committee have 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 **0.60** mcft. out of the total capacity of **12.0** mcft at FTL, which is around 5%. Also, other paraphernalia such as electric poles are also erected beside the road embankment/bund.

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:

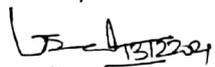
Yes, the road project under construction is within the FTL of the Barri Cheruvu tank. Necessary embankment/bund for the construction of the Gajwel Ring Road is laid through the land of the water body, though it is to one side of the tank.

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-II.


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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 **10 cms/ 4"** inches 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 up to 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 asses 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 **0.6 mcft** which can be made good and is technically feasible by increasing the FTL by **10 cms/ 4"** inches. It can be achieved by raising sill level of the surplus weir.

6. As such, the report concludes that the Gajwel Ring Road work falls within FTL of tank, at one end of the tank without obstructing flow into tank by providing the two numbers of cross drainage works with capacity of **3-Vents of 4.0 mX2.5 m**, which is more than the required capacity and the loss of storage capacity of the tank to the extent of 0.60 mcft.

Further, it is submit that the storage capacity of tank is already increased by deepening the existing tank. But as per recommendations of the Joint committee, height of surplus weir shall be increased by 10 cms/ 4" inches without affecting spreading area of the tank, by providing toe wall at the low level area.

7. The preliminary work of Gajwel Ring Road was initiated without permission, only to the extent of works, such as survey work and site Clarence works only. Subsequently the necessary permissions as "NO


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OBJECTION CERTIFICATE" was obtained from Irrigation & CAD Department for formation of embankment work and construction of Cross Drainage works were taken up. However the work has been stopped, as per Orders of the Hon'ble National Green Tribunal.

8. At present, the work in Survey No.90 of Mutrajpally village, Gajwel Mandal, Siddipet District has been stopped in all respects since last three years and no work shall be commenced until/unless clear orders are received from Hon'ble National Green Tribunal.

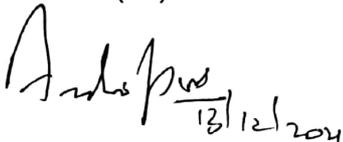
9. It is respectfully submitted that, the petitioner's mother-in-law is having land in Sy.No:328 of Mutrajpally Village, Gajwel mandal, in the name of Smt.Aleti Vijaya W/O. Sri Venugopal Reddy, which is affected in proposed construction of Gajwel Ring Road. He has approached the Hon'ble High Court, Telangana state, Hon'ble National Green Tribunal, South Zone, Chennai and the Hon'ble Supreme Court of India, on the pretext of interest of protection of Environment, for to want of change in approved alignment to safeguard his mother-in-law land.

10. It is respectfully submitted that the respondents are discharging their duties in their official capacity. There are no irregularities in functioning of their duties. It is submitted that in view of the misleading facts, the order passed by this Hon'ble National Green Tribunal dt.16.06.2021 would virtually stall the process of laying the road and would not enable to put the use the entire Ring road to its optimum utility for the benefit of common public, for which it is intended to, as 80% of the total work has been already completed.

In view of the above facts and circumstances, the Hon'ble Tribunal may be pleased to dismiss the present Original Application no.123 of 2021(SZ)


Superintending Engineer (R&B)
CIRCLE, SANGAREDDY.

Solemnly and sincerely affirm this,
The 13th day of December, 2021,
and signed his name in my presence.


Before me
Dy. Superintending Engineer (R&B)
CIRCLE, SANGAREDDY

VERIFICATION STATEMENT

G. Vasanth Naik S/o late Sri G, Veeranna, aged 50 years, Occ:
Superintending Engineer (R&B), Circle Sangareddy, at Sangareddy,
Telangana State, do hereby verify that the contents of above Para's are true
to the best of my personal knowledge and believe to be true on legal advice
and that I have not suppressed any material fact.


Superintending Engineer (R&B)
CIRCLE, SANGAREDDY.

COUNSEL FOR RESPONDENT