

IN THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, KALAS MAHAL, CHENNAI
OA 132/ 2023 (SZ)

IN THE MATTER OF:

Vilasini Ramkumar APPLICANT

VERSUS

State of Karnataka & Ors ...RESPONDENTS

Previous D.o.H: 14.03.2024

Next D.o.H: 13.05.2024

I N D E X

S. NO.	DESCRIPTION	PAGE NO.
1.	Affidavit on Inspection Report on behalf of the respondent no. 3 KSPCB	1 - 4
2.	<u>ANNEXURE: R-A (Colly)</u> Inspection Report dt 13.3.3034 with Lab Report and Photographs of the Lake area	5 - 8
3.	Vakalatnama	9


MUKESH KUMAR
Govt Counsel for Respondent No. 3 KSPCB
Lex Regula LLP
R/o 33/19 Rajpur Road, Civil Lines
DELHI – 110054
Email: LexRegula@gmail.com
Landlines: +91-120-2663000, 2781022
Mobile: +91-9211059000

Place: NEW DELHI
Date: 06.05.2024

IN THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, KALAS MAHAL, CHENNAI
OA 132/ 2023 (SZ)

IN THE MATTER OF:

Vilasini Ramkumar APPLICANT

VERSUS

State of Karnataka & Ors ...RESPONDENTS

**AFFIDAVIT ON INSPECTION REPORT
ON BEHALF OF THE RESPONDENT
KSPCB**

I, Ashok kumar S. R. son of Rajashekarappa S. aged about 50 years, currently posted as Regional Officer, Bommanhalli , Karnataka State Pollution Control Board (KSPCB), " Nisarga Bhavan", # 7th D Main Road , Thimmaiaha Road Basveshwaranagara, Shiva nagara Bangalore 560010, Karnataka, do hereby solemnly affirm and declare as under:-

1. That the deponent is working with Respondent KSPCB and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent KSPCB.

2. That the instant Affidavit is being filed with respect to the Inspection Report being filed in compliance to the

Ashok Kumar S.R



directions/ Order dated 12.09.2023 passed by this Southern Zone Bench of this Hon'ble National Green Tribunal.

3. That in response to the directions of this Hon'ble Tribunal in OA 312/2022(PB), now renumbered as OA 132/2023 (SZ), the officers of the answering respondent inspected the Kembatahalli Lake on 12.03.2024, and observed the followings:

- (1) On the Lake bed the Temple of Thoppamma Devi is Located in an area of about 12 Guntas.
- (2) The Burial Ground is located in two Pockets of Land to an extent of 20 Guntas and 1 Acre 8 Guntas respectively. Both are located in lake bed area.
- (3) The most part of the lake was dry and stagnated water was observed inside the lake.
- (4) At present, there is no entry of sewage into the lake.
- (5) The rejuvenation of the lake is completed. The work with respect to walking track on the Lake bund is completed and also the fencing around the lake is completed.

4. The stagnated water sample of the lake was collected and handed over to Central Environmental Laboratory for analysis. The previous analysis report of the lake sample collected on 23.11.2023, 26.12.2023 & 18.01.2024 is meeting to the class D Quality (Class D –Propagation of wildlife and fisheries). Further samples analysis report dated 22.3.2024 and 19.4.2024 for the samples collected on 21.2.2024 & 4.3.2024 are meeting to the class "E" quality. (Best use for irrigation, industrial cooling & Controlled Waste disposal)



Ashok Kumar S.R

5. That the matter was also discussed with the BBMP, whereby it is learnt that presently nobody is using the disputed burial ground in lake bed area for the cremation of dead bodies.
6. That it is further submitted in terms of the records with the answering respondent KSPCB that the officers of the answering respondent KSPCB had contacted the concerned officials of the Office of the Deputy Commissioner and as per their information an alternative land is identified for burial ground to avoid use of burial ground in the Kembattahalli lake premises. Accordingly, the internal inspection report of Environmental officer , Bommanahalli was communicated to the Office of the answering respondent along with the relevant documents on 09.10.2023.
7. That it is respectfully submitted that the answering respondent KSPCB will be obliged to provide any additional information if so required by this Hon'ble Tribunal and hereby submits this affidavit for kind consideration.
8. That I have read and understood the contents of the this Affidavit. The same has been drafted by my counsel under my instructions and the same are true and correct as per the official records made available to me and same has been understood by me.
9. That the contents of the accompanying inspection report with photographs annexed to the inspection report are true copy of its original, which may be read as part and parcel of this affidavit and the same are not repeated herein for the sake of brevity.



Ashok Kumar S.R

Arhok Kumar CA
DEPONENT

VERIFICATION:

Verified at Bengaluru on this 2nd day, May 2024 that the contents of the above Affidavit are true and correct on the basis of my knowledge and official documents. No part of it is false and nothing material has been concealed therefrom.

Arhok Kumar S.R
DEPONENT



SWORN TO BEFORE ME
6/5/2024
CHANDRASHEKARAIYAH. S
Advocate & Notary
917, Kanpedawda Halls,
3rd Cross, Muthurayaswamy Extension,
Sunkadashiva, Bangalore - 560 021.

Book.....3 Page...52.....

Reg. No...1295 Date...6/5/2024

Office of the Regional Officer
Karnataka State Pollution Control Board
Bengaluru Bommanahalli
"NISARGA BHAVAN" 2nd Floor
Thimmaiah Road, 7th 'D' Main, Shivanagar,
Opp. Pushpanjali Theatre, Bengaluru -560 010
Phone : (O) 080 -23221552

ಪ್ರಾದೇಶಿಕ ಅಧಿಕಾರಿಯವರ ಕಛೇರಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
ಬೆಂಗಳೂರು ಬೊಮ್ಮನಹಳ್ಳಿ
"ನಿಸರ್ಗ ಭವನ", ೭ನೇ ಅಂತಸ್ತು, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,
೭ನೇ 'ಡಿ' ಮುಖ್ಯ ರಸ್ತೆ, ಶಿವನಗರ
ಪುಷ್ಪಾಂಜಲಿ ಟೀಟ್ರಮಂಡಿರದ ಎದುರು, ಬೆಂಗಳೂರು -560 010
ದೂರವಾಣಿ: 080- 23221552



5

towards a cleaner Karnatak

//RPAD//

17 3 MAR 2024
Dated:

No. KSPCB/RO-BOM/EO/NGTOA No 312/2022/2023-24/2218

✓
To,

The Member Secretary
Karnataka State Pollution Control Board,
Parisara Bhavan, No.49,
Chruch Street
Bengaluru-560001.

Kind Attn: Law Officer, Legal Cell.

Sir,

Sub: Forwarding of Latest inspection report with respect to Hon'ble NGT matter OA No 312/2022 pertaining to the Burial ground inside Kembhhattahalli Lake, Bengaluru-reg.

- Ref: 1. Board office oral direction dated 11.03.2024.
2. Inspection of the location by the officer of this on 12.03.2024.

Adverting to the above the Board office as directed to this office to submit the latest inspection report of Kembhhattahalli Lake cited under ref (1) , in view of this the Kembhattahalli lake was inspected as cited ref (2). Hence the latest inspection report along with photographs is here with forwarded for further needful.

This is for your kind information and further needful.

Yours faithfully,

Aravind Kumar S.R.
Environmental Officer,
RO-Bommanahalli.
E

Encl: As above.

INSPECTION REPORT OF DR. ASHOKA K . S, DEO, KSPCB, RO, BOMMANAHALLI, BANGALORE.

Date of Inspection: 12-03-2024.

Ref: NGT order w.r.t. OA NO. 312/2022, pertaining to the burial ground inside the Kembatahalli Lake, Bangalore .

As per Board office oral direction by legal cell & infra section. The Kembattahalli Lake was inspected and following observations were made;

1. On the Lake bed the Temple of Thoppamma Devi is Located in an area of about 0 Acres 12 Guntas.
2. The Burial Ground is located in two Pockets of Land at an extent of 0 Acres 20 Guntas and 1 Acres 8 Guntas, both are located in lake bed area.
3. The most part of the lake was dry and stagnated water was observed inside the lake.
4. At present there is no entry of sewage in to the lake.
5. The rejunuvation of the lake is completed. The work with respect to walking track on the Lake bund is completed and also the fencing around the lake is completed.
6. The stagnation water sample was collected in the lake and handed over to CEL for analysis. The previous analysis report of the lake sample collected on 18.01.2024, is meeting to the class D (Class D-Propagation of wildlife and fisheries), copy of the analysis report is enclosed for kind reference.

Further, as per information provided by the BBMP at present no body using the disputed burial ground in lake bed area for the cremation of dead bodies in the lake premises.

As per records of this office the officers of this has contacted concerned officials of Deputy Commissioner office and as per their information an alternative land is identified for burial ground to avoid use of burial ground in the Kembattahalli lake premises. In this regard this office forwarded the inspection report along with relevant document to Board office on 09.10.2023.

Hence the latest inspection report along with photographs is here with enclosed for kind reference.


Deputy Environmental officer,
RO, Bommanhalli,



TC-5487



**KARNATAKA STATE POLLUTION CONTROL BOARD
CENTRAL ENVIRONMENTAL LABORATORY**

MoEF RECOGNISED ENVIRONMENTAL LABORATORY
ISO/IEC 17025:2017 accredited Testing Laboratory by NABL vide Certificate Number TC-5487
ISO 9001:2015 and ISO 45001:2018 CERTIFIED LABORATORY

Ph : 080-23238458
Email: central.ec@kpscbl.gov.in
Website: kpscbl.karnataka.gov.in
K.S.P.C.B., "Nisarga Bhavan"
7th D Cross, Thammiah Road,
Shivanasagar, Bengaluru - 560079

7

ANALYSIS REPORT (ACCREDITED PARAMETERS)

Date : 28.02.2024

NAME OF THE LAKE :	Kembhathahalli Lake, Kembhathahalli Village, Bengaluru	Page 1 of 1
SAMPLE COLLECTED BY :	Sri. Mrithyunjay. B. Basanakopp DEO RO: Bommanahalli	DATE OF COMMENCEMENT OF TEST : 19.01.2024
DATE OF COLLECTION :	18.01.2024	DATE OF COMPLETION OF TEST : 24.01.2024
DATE OF RECEIPT :	19.01.2024	SAMPLE REPORT NO. : W- 3565
PARTICULARS	Lake Water Sample	SAMPLE NO. : W-3565

Sl. No	Parameters	Unit	Water Quality Criteria					Result	Test Method
			A	B	C	D	E		
1	pH	-	6.5-8.5	6.5-8.5	6.0-9.0	6.5-8.5	6.0-8.5	6.8	IS 3025 (Part 11): 2022
2	Conductivity	µS/cm	-	-	-	-	2250	288	IS 3025 (Part 14): 2019
3	Oxygen (Dissolved)	mg/L	6	5	4	4	-	6.0	IS 3025 (Part 38): 2019
4	Biochemical Oxygen Demand @ 27° C for 3 days	mg/L	2	3	3	-	-	4.0	IS 3025 (Part 44): 2019
5	Chemical Oxygen Demand	mg/L	-	-	-	-	-	44	IS 3025 (Part 58): 2017
6	Total coliforms	MPN/100mL	50	500	5000	-	-	16000	APHA 23rd edition (9221 B): 2017
7	Sodium Absorption Ratio (SAR)	-	-	-	-	-	26	2.0	IS:11624: 2019
8	Free Ammonia as N	mg/L	-	-	-	1.2	-	BDL	APHA 23rd edition (4500 NH3-D): 2017
9	Boron as B	mg/L	-	-	-	-	2	BDL	APHA 23rd edition (4500-B B): 2017

INFERENCE

Class " D " - to prescribed standards with respect to Total coliforms and Biochemical Oxygen Demand @ 27° C for 3 days, as per Primary Water Quality Criteria - CPCB.

Designated best use - Propagation of Wild Life, fisheries.

- te: 1. The above results pertain only to the sample tested.
2. The report shall not be reproduced without the written approval of the laboratory.
3. Samples will be stored for a period of 10 days from the date of issue of report.
4. BDL: Below Detection Level in mg/L.

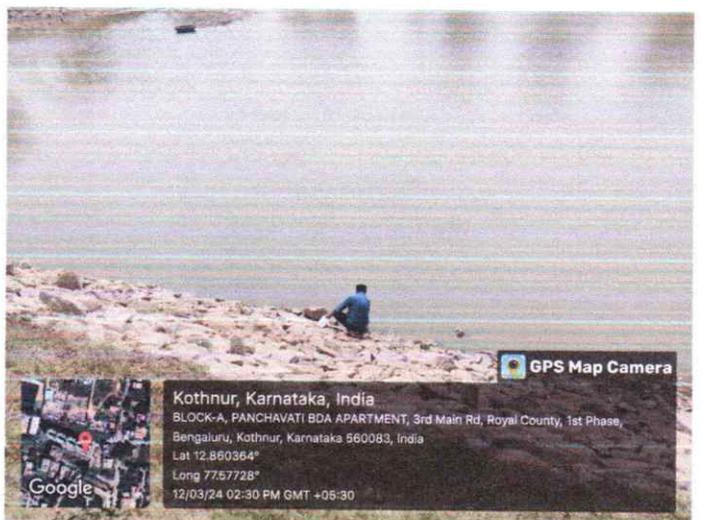
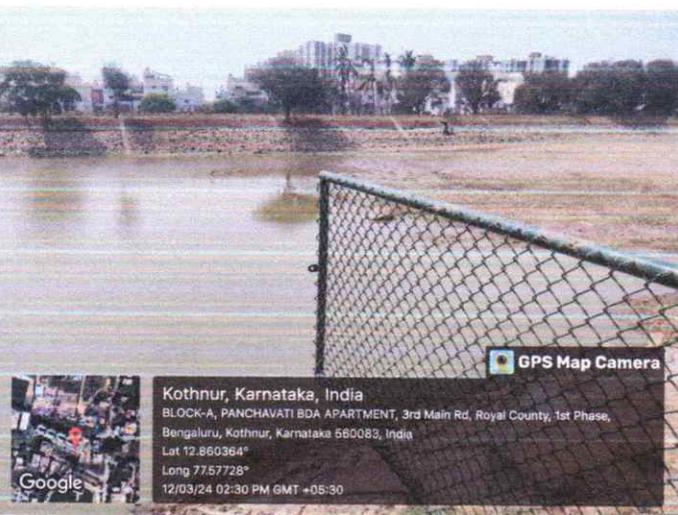
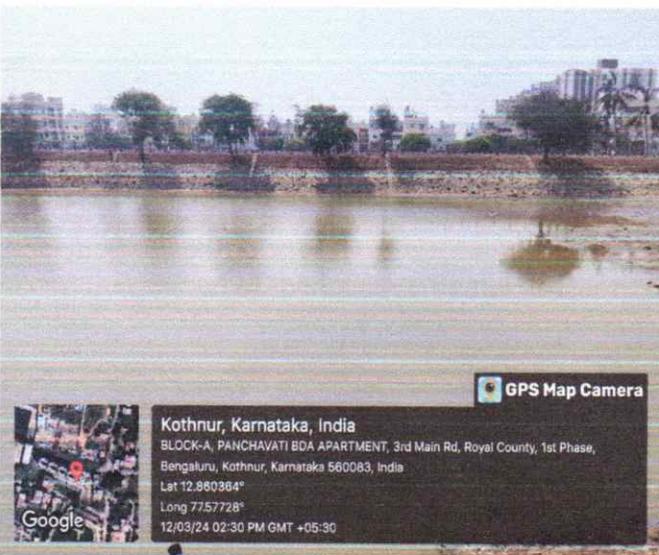
Free Ammonia as N:1.0; Boron as B: 0.1

Radha M.N
Authorized Signatory (Biological)
(Radha M.N)
Assistant Scientific Officer

Farhat
Authorized Signatory (Chemical)
(Farhat Jabeen)
Deputy Scientific Officer

—End of Report—

Photograph taken on 12.03.2024 at Kembhathahalli Lake



IN THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, KALAS MAHAL, CHENNAI
OA 132/ 2023 (SZ)

IN THE MATTER OF:

Vilasini Ramkumar

... .. APPLICANT

VERSUS

State of Karnataka & Ors

...RESPONDENTS

VAKALATNAMA

I, Ashok Kumar.S.R., Environmental Officer, Regional Office, Bomanahalli, Karnataka State Pollution Control Board, Bangalore, do hereby appoint and retain Sh **Mukesh Kumar, Advocate**, Enrolment No. D/1944/2012, to act and appear for me/us in the above Application/ Petition/ Appeal and on my/ our behalf to conduct and prosecute (or defend) or withdraw the same and also proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain, return of documents and to deposit and receive money in my/ our behalf in the above Suit/ Petition/ Appeal and Application for Review, and to represent me/ us and to take all necessary steps on my our behalf in the above matter. I/ We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this 6 day of May 2024.

Accepted/ Identified/ Certified



MUKESH KUMAR
ADVOCATE
Enrl: D/1944/2012
Email: cc@LexRegula.com
Mob: +91-9211059000

Ashok Kumar S.R.
SIGNATURE

06.05.2024
Filed on: 04.2024
Place: BANGALORE