

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**ORIGINAL APPLICATION No. 14 OF 2022 (SZ)**

**IN THE MATTER OF:**

Tumkunta Narsa Reddy

....

Applicant

Versus

Union of India,  
MoEF&CC, New Delhi & 5 Ors

....

Respondent(s)

**REPORT OF THE JOINT COMMITTEE**

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**Place: Hyderabad**

**Date: 16-04-2022.**



**Report of the Joint Committee in Original Application No. 14 of 2022 filed by Tumkunta Narsa Reddy Vs Union of India & Others submitted to Hon'ble National Green Tribunal, South Zone, Chennai in Compliance to order dated 31.01.2022.**

**I.Preamble**

It is to submit that an Original Application was filed before the Hon'ble NGT, Chennai by Tumkunta Narsa Reddy, alleging the commencement of the construction of Industrial Park by R4 (TSIIC) in an extent of 972.05 acres in Wargal (V&M) and 374.06 acres in Mulugu (V&M), Siddipet District, without obtaining Environmental Clearance as required under EIA Notification, 2006.

**The respondents are as follows: -**

- R1** - Secretary, MoEF&CC, New Delhi.
- R2** - Chief Secretary, State of Telangana.
- R3** - Spl. Chief Secretary, I&CAD Dept.,
- R4** - TSIIC,
- R5** - District Collector, Siddipet District.
- R6** - RDO, Siddipet District.

**II.Prayer of the applicant:**

1. Direct the Respondent Nos.1 and 2 to initiate appropriate action against the R4 for the commencement of Industrial park without obtaining the Environmental Clearance under the Category "A" of Item.7(c) "Industrial Estates / Park / Complex" of the Schedule to the EIA Notification, 2006.
2. Direct the Respondent Nos.4 and 6 not to proceed with the felling of trees and laying of roads in the impugned site, without obtaining the Environmental clearance as well as consents under the provisions of the Acts.
3. Quash the order in respect of felling of trees issued by Respondent No.6 vide Paper Notification dated 12-10-2021 in violation of EIA Notification as well as the provisions of Telangana Water, Land and Trees Act,2002.
4. Direct the Respondent Nos.1 and 2 to initiate appropriate action including prosecution against the officials who have allowed the project proponent to proceed with the project of industrial park without obtaining Environmental clearance.

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5. Direct the Respondent Nos. 2 to 6 not to convert the irrigational tanks into industrial phase and to preserve the irrigation Tanks, situated in the above lands in Sy.Nos.1495 and 1510, Wargal village, Wargal Mandal, Siddipet District, Telangana state with prominent marks and structures and also fence the same with barbed wire to safe guard the water bodies.
6. Direct penal action and impose Environmental Compensation including restitution of environment on Respondent Nos. 4 to 6 for the breach of statutory provisions and inter-alia for loss of ecological services foregone and costs to restore the damage done to the environment and ecology.

**III.Order dated 31.01.2022 of the Hon'ble Tribunal**

The matter was taken for hearing before the Hon'ble NGT, Chennai on 31.01.2022 and the relevant extract of the Order of Hon'ble NGT is as follows.

- To ascertain the genuineness of the allegations made in the application, Tribunal appointed a Joint Committee comprising of
  - 1) Senior Officer from MoEF&CC, Integrated Regional Office, Hyderabad,
  - 2) Senior Officer from SEIAA, State of Telangana,
  - 3) Senior Officer from Pollution Control Board as nominated by its Chairman and
  - 4) District Collector of Siddipet District himself to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

**IV.Terms of reference**

- 1) Whether any preparatory work including felling of trees has been started in the proposed site in violation of EIA Notification, 2006,
- 2) whether any of the water bodies are situated in the proposed site as alleged by the applicant and if so, what is the nature of impact on water bodies on account of the alleged unauthorized work said to have been committed by 4th respondent,
- 3) If any, damage has been caused to environment or any violation has been committed of EIA Notification, 2006 or other environmental laws, then the Committee is directed to assess the environmental compensation as directed by this Tribunal in several cases of this nature and
- 4) The Committee is also directed to ascertain whether any trees have been felled in the proposed area and if so, what is the number of trees felled in that area considering the allegations that about 2000 trees have been cut and removed.

**V. Joint Committee Constitution & field observations:**

In compliance to the Hon'ble NGT Order dated 31.01.2022, in O.A. No. 14 of 2022, the committee is constituted comprising of the following officers: -

- i. Dr.E.Arockia Lenin, Scientist 'C', Integrated Regional Office, MoEF&CC, Hyderabad.
- ii. Sri.D.Narender, SEE (FAC), Representative from SEIAA, Telangana.
- iii. Sri B.Raghu, Chief Environmental Engineer, TSPCB, Head Office, Hyderabad.
- iv. Additional Collector & Magistrate, Siddipet.

It is to submit that in compliance to the directions of the Hon'ble NGT, a preliminary meeting was held on 25.02.2022 and all the Members of the Joint Committee attended the meeting. During the meeting, the representative of SEIAA informed the committee that M/s. Telangana State Industrial Infrastructure Corporation (TSIIC) has applied for TOR on 14.02.2022 for the proposed "Telangana Special Food Processing Park" at Sy.No.1495, 1510, Wargal (V&M), Siddipet District for obtaining Environmental Clearance from SEIAA, Telangana.

The Joint Committee conducted field inspection of the site on 16.03.2022. During inspection, it was informed that TSIIC proposed Special Food Processing Park in an extent of Ac 823- 08 Gts located at Sy. Nos. 845, 1209, 1266, 1495 & 1510 in the Wargal (Village & Mandal) and in an extent of Ac 317-08 Gts located at Sy. Nos. 557 in the Mulugu (Village & Mandal) of Siddipet District with total extent of land Ac 1140-16 Gts. As per EIA Notification 2006, the proposed project activity is listed at Sl.No.7(c) {Industrial estates/parks/complexes/areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes} (Industrial estates housing at least one Category B industry and development area > 50 Ha).The developmental area projects more than 50 Ha shall obtain prior EC from SEIAA and CFE / CFO from the TSPCB. The TSIIC has applied for obtaining Environmental Clearance (EC) and same is under process with Telangana State SEIAA. The TSIIC shall also obtain CFE from TSPCB after obtaining EC before commencement of developmental activities.

As directed by the NGT in Order Dt 31.01.2022, the point wise remarks are herewith submitted:

- 1) **Whether any preparatory work, including felling of trees has been started in the proposed site in violation of EIA Notification, 2006:** During inspection, the Joint Committee observed that the proposed lands are dry lands with cultivated fields in some pockets, having trees along the boundary of cultivated

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fields. The Joint Committee observed that there is no preparatory work for development of park, felling of trees in the proposed site initiated by TSIIC. However, it was observed that the leveling of land for approach way were started for which the bushes were removed / cleaned. Stone metal chip heaps were observed near the leveled land for laying approach road and evidence of some cut trees were also observed by the Committee. On enquiry with the local people, it was informed that the land owners have cut the trees on their own as the trees are located in their own lands which were given to TSIIC. The TSIIC Officials informed that land was leveled to form gravel approach way to facilitate for conducting detailed EIA study in the proposed site.

- 2) **Whether any of the water bodies are situated in the proposed site as alleged by the applicant and if so, what is the nature of impact on water bodies on account of the alleged unauthorized work said to have been committed by 4th respondent:** During inspection the Joint Committee observed that there are no water bodies located in the lands of TSIIC park site. However, in the adjoining Sy Nos there are four water bodies named as Ryala (Rayala) Kunta, Avussaloni Kunta, Yamla (Kummari) Kunta and Bucharlani (Buchireddy) Kunta are located in Sy. Nos. 1511, 1212, 1528 and 1322 respectively situated at Wargal (Village & Mandal). Therefore the TSIIC has to take all measures to prevent hindrance to the inflow and outflow streams of the said water bodies.

The physical features of the kuntas are as follows:

Sl. No.	Name of the water body	Sy. No and Area	Water spread area upto FTL	Remarks
1.	Ryala (Rayala) Kunta	Sy. Nos. 1511, Wargal (V & M),	Ac 16 – 08 Gts	These Kuntas are not located in the proposed TSIIC Park and are located adjacent to the proposed TSIIC Park.
2.	Avussaloni Kunta,	Sy. Nos. 1212, Wargal (V & M),	Ac 06 – 05 Gts	
3.	Yamla (Kummari) Kunta	Sy. Nos., 1528 Wargal (V & M),	Ac 15 – 39 Gts	
4.	Bucharlani (Buchireddy) Kunta	Sy. Nos. 1322, Wargal (V & M),	Ac 08 – 31 Gts	

- 3) **If any, damage has been caused to environment or any violation has been committed of EIA Notification, 2006 or other environmental laws, then the Committee is directed to assess the environmental compensation as directed by this Tribunal in several cases of this nature and:** The Joint Committee observed that land was leveled to form gravel approach way to facilitate for conducting detailed EIA study in the proposed site and the TSIIC has applied for obtaining Environmental Clearance (EC) and same is under process. It was informed that after obtaining EC from SEIAA and CFE from TSPCB, the park development activities will be commenced. The Joint Committee observed that there is no preparatory work for development of park, felling of trees by TSIIC in the proposed site and there is no damage to the environment and violation to the EIA Notification, 2006.
- 4) **The Committee is also directed to ascertain whether any trees have been felled in the proposed area and if so, what is the number of trees felled in that area considering the allegations that about 2000 trees have been cut and removed:** The Committee observed that the leveling of land for approach way was started for which the bushes were removed / cleaned and evidence of some cut trees were also observed by the Committee. On enquiry with the local people it was informed that the land owners have cut the trees on their own as the trees are located in their own lands which were given to TSIIC. The TSIIC Officials informed that land was leveled to form gravel approach way to facilitate for conducting detailed EIA study in the proposed site.

**Recommendations:**

The Joint Committee observed that there are no water bodies located inside of the proposed TSIIC park site. It is observed that there is no impact on the surrounding four water bodies or any violation has been committed by the M/s TSIIC due to the present scenario at the proposed park and hence the assessment of environmental compensation does not arise. However, the Joint Committee herewith submitted following recommendations to the Industrial Park during operational stage.

- a. Development of the Industrial Park involves industrial sheds, roads, water pipelines, drainage network, etc. which will require preliminary levelling of the site prior to implementation of the respective activities. With regard to vegetation, maximum care will be taken not to disturb the naturally grown trees during construction activities. However, if the situation demands tree felling, proper documentation shall

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- be made and shall be compensated in the ratio of 1:3 during greenbelt development.
- b. Natural drainage pattern of the industrial park shall not be altered due to the construction activities and natural drainage pattern is maintained throughout the Industrial Park.
  - c. Seasonal natural streams passing through the site shall not be disturbed. Sufficient green belt and buffer zone will be provided all along the natural streams.
  - d. Weep holes in the compound walls shall be provided to ensure natural drainage of rain water in the catchment area during the monsoon period.
  - e. Rainwater harvesting pits and storm water drains shall be provided all along the road network of the industrial park. Overflow from the harvesting pit and storm water of road/open space will be collected through road side storm water drains. Storm water drains will be acting as recharge trench, apart from RWH pits at plots, so that maximum amount of rainwater infiltrate into the ground.
  - f. The proponent shall recycle / reuse the treated effluent and sewage as per the norms of CPCB / SPCB and no waste water shall be discharged to the rivers/streams or water bodies.



**Dr.E.Arockia Lenin**  
**Scientist 'C', IRO,**  
**MoEF&CC, Hyderabad.**



**Sri.D.Narender,**  
**SEE (FAC),**  
**Representative of SEIAA.**



**Sri.B.Raghu**  
**Chief Environmental Engineer,**  
**TSPCB.**



**Sri.P.Srinivasa Reddy,**  
**Additional Collector (Revenue)**  
**& Magistrate, Siddipet.**

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Annexure - I

## STATEMENT SHOWING THE LAND ACQUIRED AT WARGAL (V) &amp; (M) AND MULUGU (V) &amp; (M)

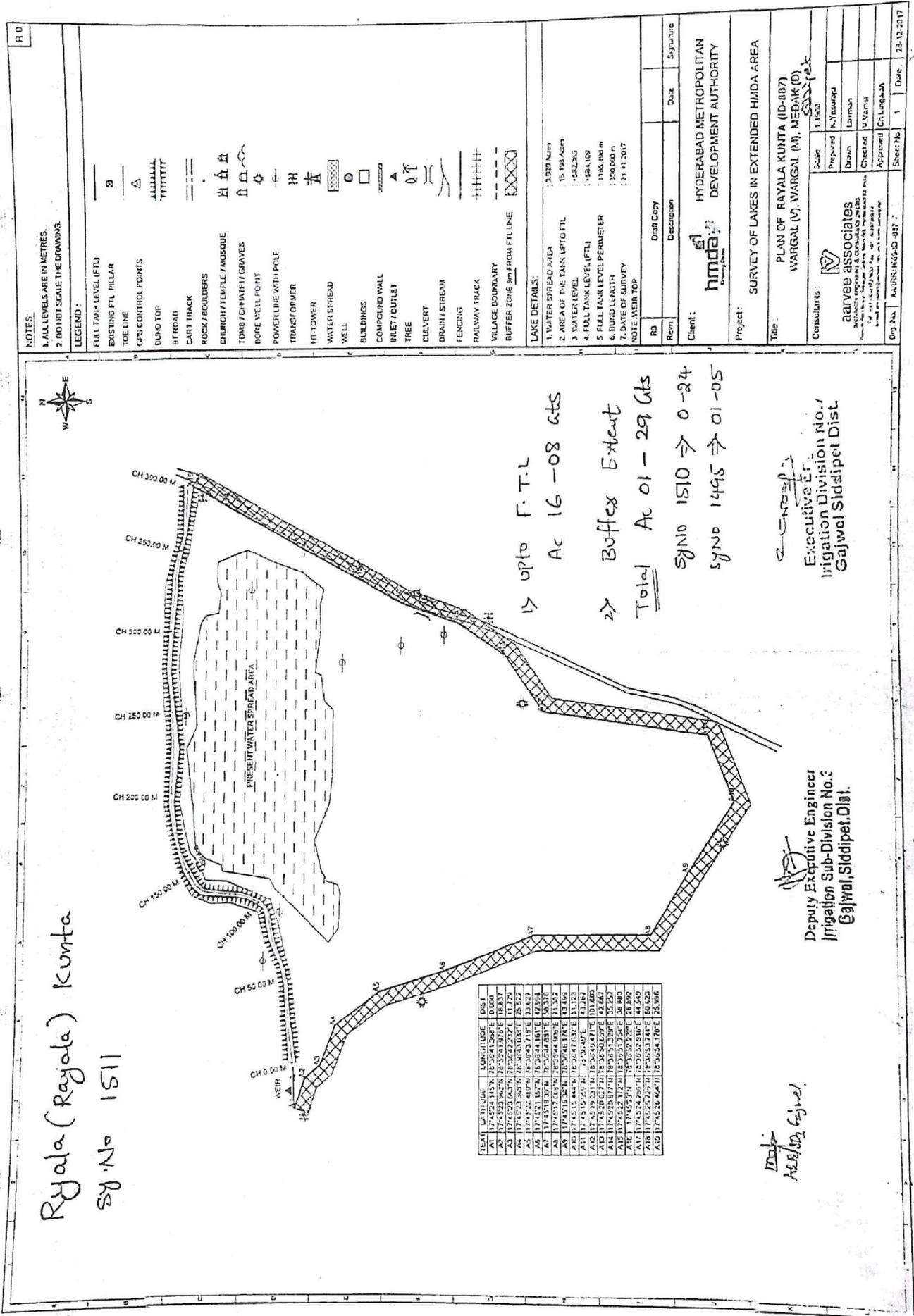
Sl.No.	Village	Mandal	Survey Number	Extent (Acs. - Gts.)
1	Wargal	Wargal	845	110-16
2	Wargal	Wargal	1209	187-17
3	Wargal	Wargal	1266	91-35
4	Wargal	Wargal	1495	164-18
5	Wargal	Wargal	1510	268-38
			Sub-Total (a):	823-08
6	Mulugu	Mulugu	557	317-08
			Sub-Total (b):	317-08
			Grand Total (a+b):	1140-16

CoP

ZONAL MANAGER  
T.S.I.C.LTD.  
MEDCHAL-SIDDIPET ZONE  
I P JEEDIMETLA  
MEDCHAL DISTRICT-500 055



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Ryala (Rayala) Kunta  
SY No 1511

REAL	LATITUDE	LONGITUDE	DIST
A1	17°45'24.115"N	82°26'41.238"E	D.604
A2	17°45'23.962"N	82°26'41.238"E	D.604
A3	17°45'23.809"N	82°26'41.238"E	D.604
A4	17°45'23.656"N	82°26'41.238"E	D.604
A5	17°45'23.503"N	82°26'41.238"E	D.604
A6	17°45'23.350"N	82°26'41.238"E	D.604
A7	17°45'23.197"N	82°26'41.238"E	D.604
A8	17°45'23.044"N	82°26'41.238"E	D.604
A9	17°45'22.891"N	82°26'41.238"E	D.604
A10	17°45'22.738"N	82°26'41.238"E	D.604
A11	17°45'22.585"N	82°26'41.238"E	D.604
A12	17°45'22.432"N	82°26'41.238"E	D.604
A13	17°45'22.279"N	82°26'41.238"E	D.604
A14	17°45'22.126"N	82°26'41.238"E	D.604
A15	17°45'21.973"N	82°26'41.238"E	D.604
A16	17°45'21.820"N	82°26'41.238"E	D.604
A17	17°45'21.667"N	82°26'41.238"E	D.604
A18	17°45'21.514"N	82°26'41.238"E	D.604
A19	17°45'21.361"N	82°26'41.238"E	D.604
A20	17°45'21.208"N	82°26'41.238"E	D.604

Deputy Executive Engineer  
Irrigation Sub-Division No. 2  
Gajwel, Siddipet Dist.

Executive Engineer  
Irrigation Division No. 1  
Gajwel, Siddipet Dist.

NOTES:  
1. ALL LEVELS ARE IN METRES.  
2. DO NOT SCALE THE DRAWING.

LEGEND:

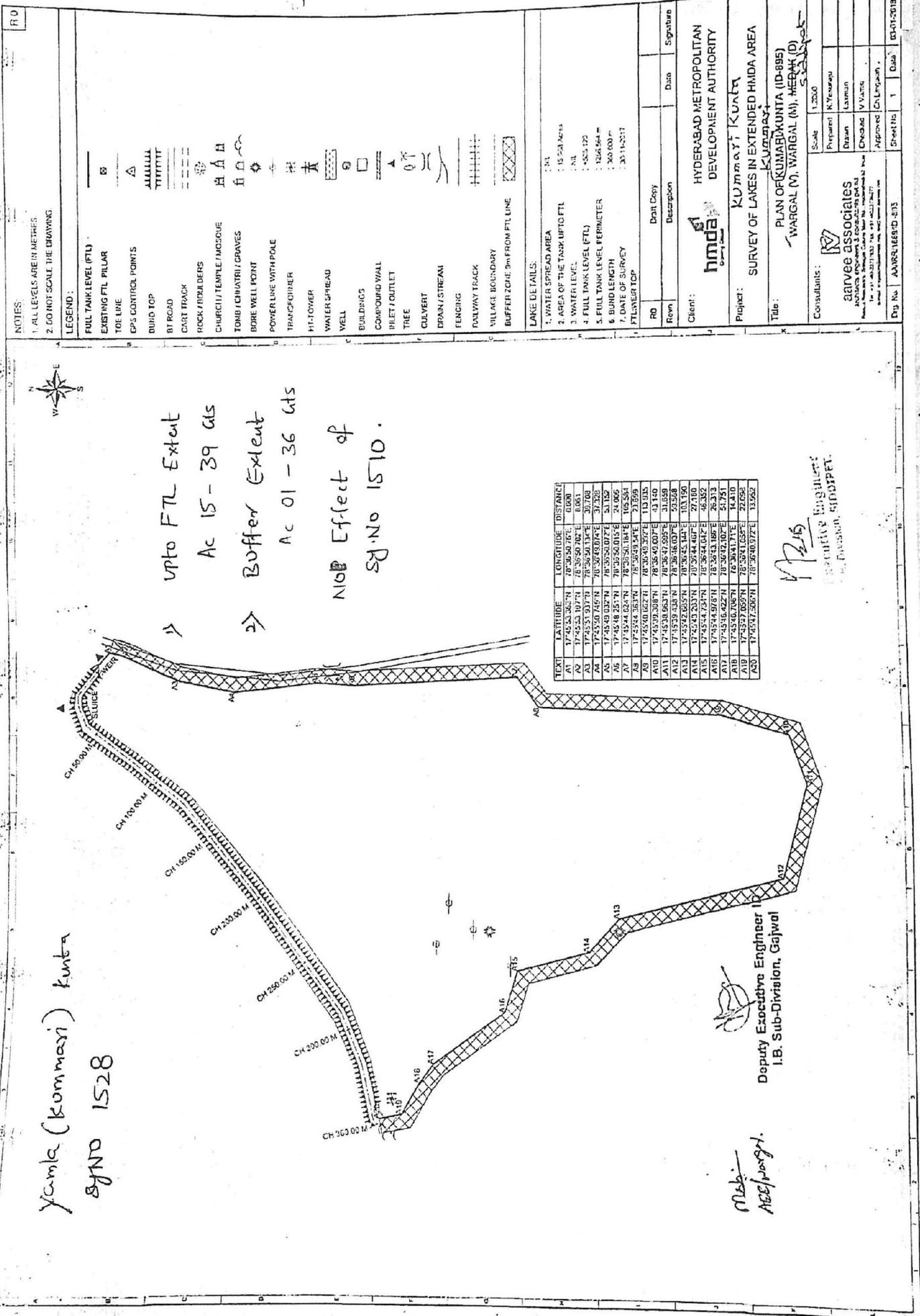
- FULL TANK LEVEL (FTL) [Symbol]
- EXISTING FTL PILLAR [Symbol]
- TOE LINE [Symbol]
- GPS CONTROL POINTS [Symbol]
- DUNO TOP [Symbol]
- ST BRIDGE [Symbol]
- CART TRACK [Symbol]
- ROCK/BOULDERS [Symbol]
- CHURCH/TEMPLE/MOSQUE [Symbol]
- TOMB/CHARNI/GRAVES [Symbol]
- BORE WELL POINT [Symbol]
- POWER LINE WITH POLE [Symbol]
- TRANSFORMER [Symbol]
- H/TOWER [Symbol]
- WATER SPREAD [Symbol]
- WELL [Symbol]
- BUILDINGS [Symbol]
- COMPOUND WALL [Symbol]
- INLET/OUTLET [Symbol]
- TREE [Symbol]
- CULVERT [Symbol]
- DRAIN/STREAM [Symbol]
- FENCING [Symbol]
- RAILWAY TRACK [Symbol]
- VILLAGE BOUNDARY [Symbol]
- BUFFER ZONE 3m FROM FTL LINE [Symbol]

- LAKE DETAILS:
- 1. WATER SPREAD AREA : 2397 Acres
  - 2. AREA OF THE TANK UPTO FTL : 15.198 Acres
  - 3. WATER LEVEL : +542.265
  - 4. FULL TANK LEVEL (FTL) : +541.029
  - 5. FULL TANK LEVEL PERIMETER : 1146.000 m
  - 6. RADIUS LENGTH : 242.000 m
  - 7. DATE OF SURVEY : 29-11-2017
  - 8. INSPECTOR TOP : [Signature]

Rd	Dist	City	Date	Signature
Client: HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY				
Project: SURVEY OF LAKES IN EXTENDED HMDA AREA				
Title: PLAN OF RAYALA KUNTA (ID-887) WARGAL (M), MEDAK (D)				
Consultants: aadvee associates				
Scale	1:1500	Prepared	N. Sankar	
		Drawn	Laxman	
		Checked	V. Varma	
		Approved	Ch. Lakshmi	
Doc No	AADR/IR/2022-087	Sheet No	1	Date
				23-12-2017



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Yamla (Kommari) Kunta  
SJNO 1528

1) upto FTL Extent  
Ac 15 - 39 Gts

2) Buffer Extent  
Ac 01 - 36 Gts

NOB Effect of  
SJ.No 1510.

TEXT	LATITUDE	LONGITUDE	DISTANCE
A1	17°45'25.367N	78°26'50.971E	0.000
A2	17°45'25.367N	78°26'50.971E	0.000
A3	17°45'25.367N	78°26'50.971E	30.708
A4	17°45'26.749N	78°26'48.074E	37.320
A5	17°45'40.037N	78°26'50.072E	51.150
A6	17°45'48.251N	78°26'50.015E	24.066
A7	17°45'44.624N	78°26'50.184E	105.584
A8	17°45'44.561N	78°26'49.54E	21.899
A9	17°45'40.627N	78°26'49.307E	13.033
A10	17°45'39.308N	78°26'49.007E	33.140
A11	17°45'38.963N	78°26'47.995E	30.859
A12	17°45'37.585N	78°26'47.000E	30.859
A13	17°45'36.207N	78°26'46.005E	30.859
A14	17°45'34.829N	78°26'44.007E	27.100
A15	17°45'34.451N	78°26'44.012E	46.352
A16	17°45'34.073N	78°26'43.006E	26.313
A17	17°45'34.622N	78°26'42.007E	51.751
A18	17°45'37.096N	78°26'41.71E	84.410
A19	17°45'37.095N	78°26'41.657E	22.656
A20	17°45'37.506N	78°26'40.072E	13.662

Deputy Executive Engineer  
I.B. Sub-Division, Gajwal

M. S. / AEE / Gajwal

17/2/25  
Deputy Engineer  
I.B. Sub-Division, Gajwal

**NOTES:**  
1. ALL LEVELS ARE IN METRES.  
2. DO NOT SCALE THE DRAWING.

**LEGEND:**

- FULL TANK LEVEL (FTL)
- EXISTING FTL PILLAR
- TOE LINE
- GPS CONTROL POINTS
- BUILD TOP
- BT ROAD
- CART TRACK
- ROCK / Boulders
- CHURCH / TEMPLE / MOSQUE
- TOMB / CHANTRI / GRAVES
- BORE WELL POINT
- POWER LINE WITH POLE
- TRANSFORMER
- HT TOWER
- WATER SPREAD
- WELL
- BUILDINGS
- COMPOUND WALL
- INLET / OUTLET
- TREE
- CULVERT
- DRAIN / STREAM
- FENCING
- RAILWAY TRACK
- VILLAGE BOUNDARY
- BUFFER ZONE 9m FROM FTL LINE

**LAKE DETAILS:**

- 1. WATER SPREAD AREA : 15.54 Acres
- 2. AREA OF THE TANK UPTO FTL : Nil
- 3. WATER LEVEL : 1525.122
- 4. FULL TANK LEVEL (FTL) : 1525.664 m
- 5. FULL TANK LEVEL PERIMETER : 360.000 m
- 6. BOND LENGTH : 30.115557
- 7. DATE OF SURVEY : 10/11/2022

**Client:** HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY

**Project:** SURVEY OF LAKES IN EXTENDED HMDA AREA

**Title:** PLAN OF KUMMARIKUNTA (ID-895) WARGAL (M), WARGAL (M), MERRUK (D)

**Scale:** 1:2500

**Consultants:** aavee associates

**Prepared:** K. Venkatesh  
**Drawn:** Lakshmi  
**Checked:** V. V. Rao  
**Approved:** Ch. Lakshmi

**Sheet No.:** AA/RS/168/D-515  
**Date:** 04/11/2019



NOTE:  
1. ALL LEVELS ARE IN METRES

- LEGEND:
- PULL TANK LEVEL (FTL)
  - EXISTING FTL PILLAR
  - TOE LINE
  - OPS CONTROL POINTS
  - BUND TOP
  - BT ROAD
  - CART TRACK
  - ROCK/BOULDERS
  - CHURCH/TEMPLE/MOOCOME
  - TOMB/CHATHRA/GRAVES
  - BORE WELL POINT
  - POWER LINE WITH POLE
  - TRANSFORMER
  - HT-TOWER
  - WATER SPREAD
  - WELL
  - BUILDINGS
  - COMPOUND WALL
  - INLET/OUTLET
  - TREE
  - DRAIN/STREAM
  - FENCING
  - RAILWAY TRACK
  - VILLAGE BOUNDARY
  - BUFFER ZONE 5m FROM FTL LINE

- LAKE DETAILS:
- 1. PRESENT WATER SPREAD AREA : 8.765 Acres
  - 2. AREA OF THE TANK UPTO FTL : NE
  - 3. WATER LEVEL : +555.300m
  - 4. PULL TANK LEVEL (FTL) : 928.036m
  - 5. PULL TANK LEVEL PERIMETER : 314.000m
  - 6. BUND LENGTH : 1508-2014
  - 7. DATE OF SURVEY : 15-08-2014

R.O.	Description	Date	Signature
	Draft Copy		

Client: HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY

Project: SURVEY OF LAKES IN EXTENDED HMDA AREA

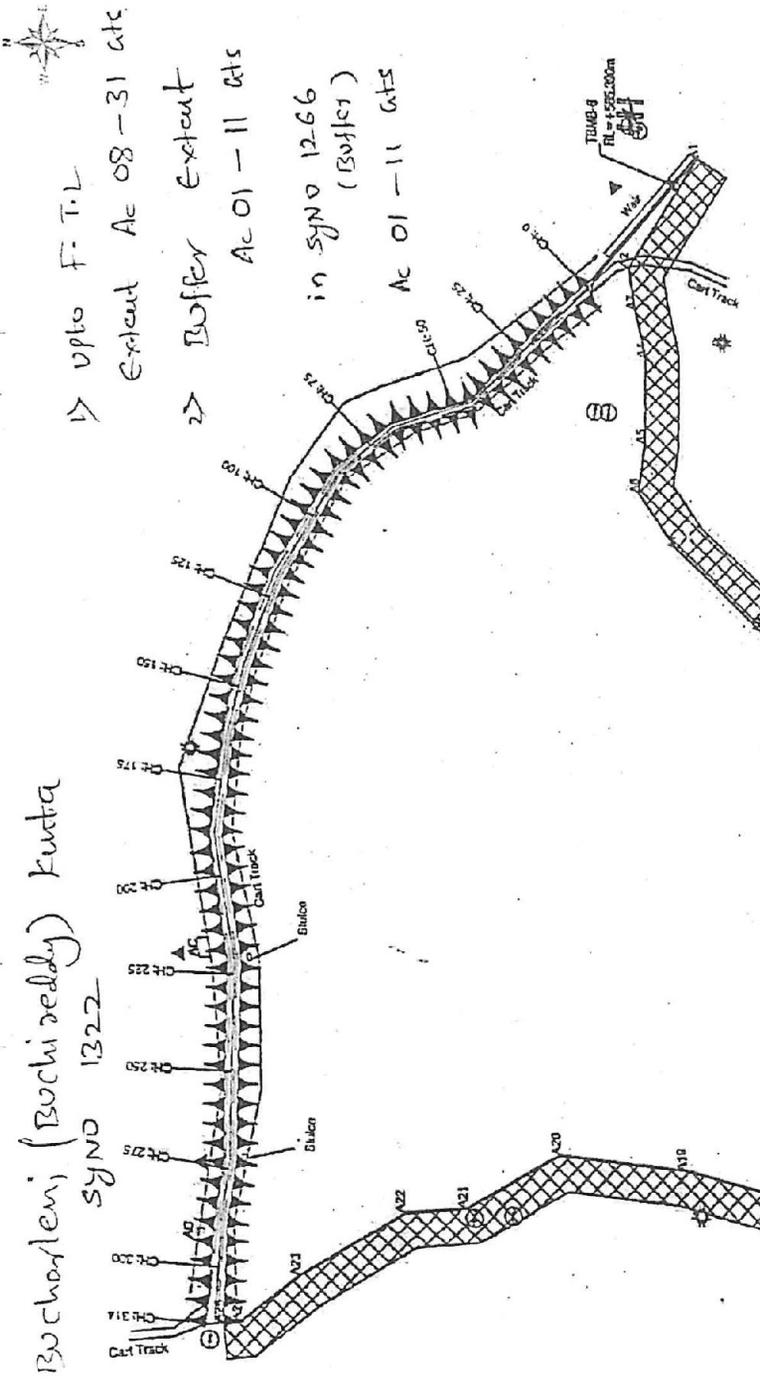
Title: PLAN OF BUCHI REDDY KUNTA (ID-877) WARGAL (M), WARGAL (M), MEDAK (D)

Consultants: **aaavee associates**

Scale: 1:2500

Drawn	V.Venisi
Checked	V.Swarasakar
Approved	V.Venisi
Ch. Lingaiah	

Sheet No. 1 Date: 28-10-2014



TEXT	LONGITUDE	LATITUDE	DISTANCE
A1	78°37'51.980"E	17°45'37.380"N	34.715
A2	78°37'51.017"E	17°45'38.017"N	11.111
A3	78°37'50.637"E	17°45'37.972"N	13.863
A4	78°37'50.202"E	17°45'37.967"N	23.311
A5	78°37'48.411"E	17°45'37.914"N	13.405
A6	78°37'48.062"E	17°45'37.901"N	17.650
A7	78°37'48.484"E	17°45'37.881"N	30.877
A8	78°37'47.231"E	17°45'36.939"N	27.500
A9	78°37'47.001"E	17°45'36.289"N	25.578
A10	78°37'46.571"E	17°45'35.059"N	25.132
A11	78°37'46.011"E	17°45'34.719"N	15.311
A12	78°37'45.671"E	17°45'34.269"N	27.802
A13	78°37'44.898"E	17°45'35.289"N	54.637
A14	78°37'43.388"E	17°45'34.310"N	24.079
A15	78°37'42.877"E	17°45'34.269"N	9.539
A16	78°37'42.542"E	17°45'35.056"N	19.250
A17	78°37'42.542"E	17°45'35.682"N	20.939
A18	78°37'42.171"E	17°45'37.691"N	33.868
A19	78°37'42.081"E	17°45'37.741"N	32.558
A20	78°37'43.081"E	17°45'39.741"N	27.700
A21	78°37'42.805"E	17°45'39.514"N	15.711
A22	78°37'42.557"E	17°45'40.022"N	31.230
A23	78°37'41.991"E	17°45'40.984"N	16.769
A24	78°37'41.584"E	17°45'41.362"N	16.769
A25	78°37'41.571"E	17°45'41.569"N	4.571

*[Signature]*  
Executive Engineer,  
I.B. Division, SIDDIPET.

*[Signature]*  
Deputy Executive Engineer (I)  
I.B. Sub-Division, Gajwal





BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI

**Original Application No.14 of 2022 (SZ)&**

**I.A. No. 20 of 2022(SZ)**

(Through Video Conference)

IN THE MATTER OF:

Tumkunta Narsa Reddy,

...Applicant(s)

Union of India and Ors.

...Respondent(s)

*WITH*

**Date of hearing: 31.01.2022**

**CORAM:**

**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER**

**HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER**

For Applicant(s): Mr. G. Stanly Hebzon Singh

For Respondent(s): Ms. Yasmeeen Ali for R2 to R6

**ORDER**

1. The grievance in this application is regarding the activity of the 4<sup>th</sup> respondent of commencing the construction of industrial park having an extent of 972.05 acres comprised in Survey No. 845, 1495, 1510 in Wargal Village, Wargal Mandal, Siddipet District, Telangana State and 374.06 acres in Survey No. 557, Mulugu Village of Mulugu Mandal, Siddipet District, Telangana State without obtaining prior Environmental Clearance as required under Item 7(c) of Schedule I of EIA Notification, 2006.
2. It is also alleged that they have not obtained necessary consent to establish under the Water (Prevention and Control o Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 from the Pollution Control

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Board.

3. The Revenue Divisional Officer had issued a notification dated 12.10.2021 for felling of trees from these areas in violation of the EIA Notification, 2006 as it will amount to preparation for establishment of the unit. It is also alleged in the application that there are irrigational tank located in the impugned site known as "Ralla Kunta, Kasha Kunta and Yellamma Kunta" and if the work is allowed to continue, it will have impact on those water bodies as well. Only if proper environmental impact assessment is done, the possibility of the impact of the proposed project on these water bodies can be assessed and necessary remedial measures can be imposed as a condition while granting Environmental Clearance, if at all, for the project in this area.
4. Though, it was brought to their notice that such things are violation of the environmental laws, they are proceeding with the work. The applicant also produced certain photographs to show the present status of the nature of the work that is being undertaken in that area. So, the applicant filed the present application seeking following relief:
  - I. Direct the respondent nos. 1 and 2 to initiate appropriate action against the respondent no. 4 for the commencement of industrial park without obtaining the Environmental Clearance under the Category "A" of Item 7(c) "Industrial Estates/Park/Complex" of the Schedule to the EIA Notification, 2006.
  - II. Direct the respondent nos. 4 and 6 not to proceed with the felling of trees and laying of roads in the impugned site without obtaining the Environmental Clearance as well as consents under the provisions of the Acts.
  - III. Quash the order in respect of felling of trees issued by respondent no. 6 vide paper notification dated 12.10.2021 in violation of EIA Notification as well as the provisions of Telangana Water, Land and Trees Act, 2002.
  - IV. Direct the respondent nos. 1 and 2 to initiate appropriate action including prosecution against the officials who have allowed the project proponent to proceed with the project of industrial park without obtaining Environmental Clearance.

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- V. Direct the respondent nos.2 to 6 not to convert the irrigational tank into industrial parks and to preserve the four irrigation Tanks, situated in SY. Nos. 1495 and 1510, Wargal Village, Wargal Mandal, Siddipet District, Telangana State with prominent marks and structures and also fence the same with barbed wire to safe guard water bodies.
- VI. Direct penal action and impose environmental compensation including restitution of environment on respondent nos. 4 to 6 for the breach of statutory provisions and inter-alia for loss of ecological services foregone and costs to restore the damage done to the environment and ecology.
- VII. Pass any other order as this Hon'ble Tribunal may deem fit and appropriate in the facts and circumstances of the present case.
5. On going through the allegations made in the application, we are satisfied that there arises a substantial question of environment which requires interference of this Tribunal. So the matter is admitted.
6. Learned Counsel appearing for the applicant also insisted for an interim order on the basis of the interim application, I.A. No. 20 of 2022 filed by them in this regard.
7. At the request of the Learned Counsel for the State Departments, the matter was passed over in the morning and later it was taken up at 02:00 PM. The Learned Counsel for the State Departments submitted that at present, no work is going on in the area and they also submitted that they will not do any work in the disputed land without getting necessary clearances and permissions required under the environmental laws. The above submission is recorded.
8. We, further direct the project proponent, namely, the 4<sup>th</sup> respondent not to carry out any work including felling of trees in the proposed project area until further orders. But this will not prevent them from conducting pre-feasibility study regarding the project but in the guise of conducting such

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studies, they should not do any act which is likely to alter the nature of the land including the alleged water bodies mentioned in the application.

9. Since, such an undertaking has been given by the State of Telengana and we have also directed them not to proceed with the work, we feel that recording this observation and direction, I.A No. 20 of 2022 is disposed of leaving open the further direction, if any, to be given on the basis of the Committee report which we are expected to obtain in the main application. With the above direction and observation I.A. No. 20 of 2022 is disposed of.
10. Issue notice to the respondents by Registered Post with Acknowledgment Due and also by e-mail and Dasti, if possible and produce proof of service by filing proof affidavit as per Rules.
11. The applicant is also directed to serve copy of the application to the standing counsel appearing for the official respondents within a week, so as to enable them to get instruction and file their independent response to avoid delay.
12. The applicant is also directed to produce necessary requisite along with postal cover and postal stamp before this Tribunal within a week to issue notice to all the respondents through Tribunal to ensure service on them and proceed against them in their absence, if they did not appear, in accordance with law.
13. In order to ascertain the genuiness of the allegations made in the application, we feel it appropriate to appoint a Joint Committee consist of 1) a Senior Officer from MoEF&CC, Integrated Regional Office, Hyderabad, 2), a

Senior Officer from SEIAA, State of Telengana, 3) a Senior Officer from Pollution Control Board as nominated by its Chairman and 4) the District Collector of Siddipet District himself to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.

14. The Committee is directed to ascertain 1) whether any preparatory work including felling of trees has been started in the proposed site in violation of EIA Notification, 2006, 2) whether any of the water bodies are situated in the proposed site as alleged by the applicant and if so, what is the nature of impact on water bodies on account of the alleged unauthorised work said to have been committed by 4<sup>th</sup> respondent, 3) If any, damage has been caused to environment or any violation has been committed of EIA Notification, 2006 or other environmental laws, then the Committee is directed to assess the environmental compensation as directed by this Tribunal in several cases of this nature and 4) The Committee is also directed to ascertain whether any trees have been felled in the proposed area and if so, what is the number of trees felled in that area considering the allegations that about 2000 trees have been cut and removed.
15. Pollution Control Board will be the nodal agency for coordination and providing necessary logistic for this purpose.
16. The applicant is directed to serve a set of papers to the members of the Committee within a week so as to enable them to comply with the direction without delay.

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17. They are directed to submit the report to this Tribunal on or before 28.02.2022 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules.
18. The Registry is directed to communicate this order to the members of the Committee and also to the official respondents especially to the 4<sup>th</sup> respondents against whom certain interim directions have been issued for their information and compliance of the direction.
19. For return of notice of respondents, appearance of parties, filing independent response and also for consideration of Joint Committee report, post on 28.02.2022.

.....J.M.  
(Justice K. Ramakrishnan)

.....E.M.  
(Shri. Dr. K. Satyagopal)

O.A. No. 14/2022(SZ)&  
I.A. No. 20 of 2022(SZ)  
31<sup>st</sup> January, 2022. (AM)

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Annexure-V

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 14 of 2022 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Tumkunta Narsa Reddy,  
Telangana State.

....Applicant(s)

Versus

Union of India,  
Through the Secretary,  
MoEF& CC,  
New Delhi and others.

....Respondent(s)

Date of hearing: 23.03.2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Dr. D. Shanmuganathan represented  
Mr. Stanly Hebzon Singh



For Respondent(s):

Mrs. Sumathi for R1

Ms. Renuka represented

Mrs. H. Yasmeen Ali for R2 to R6

ORDER

1. As per order dated 31.01.2022, this Tribunal had admitted the matter and appointed a Joint Committee to go into the question and submit a report. The case was posted to 28.02.2022 for return notice of respondents, appearance of parties, filing independent response and also for consideration of Joint Committee report.
2. On 28.02.2020, the matter was adjourned to today by notification.
3. The respondents 2 to 6 have already entered appearance through their standing counsel and Mrs. Sumathi represented first respondent. So service complete.
4. We have received an Interim report of the Joint Committee dated 25.02.2022, e-filed on 01.03.2022 which reads as follows:-

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Interim Report of the Joint Committee in Original Application No. 14 of 2022 filed by Tumkunta Narsa Reddy Vs Union of India & Others submitted to Hon'ble National Green Tribunal, South Zone, Chennai in Compliance to order dated 31.01.2022.

**Preamble**

It is to submit that an Original Application was filed before the Hon'ble NGT, Chennai by Tumkunta Narsa Reddy, alleging the commencement of the construction of Industrial Park by R4 (TSIIC) in an extent of 972.05 acres in Wargal (V&M) and 374.06 acres in Mulugu (V&M), Siddipet District, without obtaining Environmental Clearance as required under EIA Notification, 2006.

**The respondents are as follows: -**

- R1 - Secretary, MoEF&CC, New Delhi.
- R2 - Chief Secretary, State of Telangana.
- R3 - Spl. Chief Secretary, I&CAD Dept.,
- R4 - TSIIC,
- R5 - District Collector, Siddipet District.
- R6 - RDO, Siddipet District.

**Prayer of the applicant:**

1. Direct the Respondent Nos.1 and 2 to initiate appropriate action against the R4 for the commencement of Industrial park without obtaining the Environmental Clearance under the Category "A" of Item.7(c) "Industrial Estates / Park / Complex" of the Schedule to the EIA Notification, 2006.
2. Direct the Respondent Nos.4 and 6 not to proceed with the felling of trees and laying of roads in the impugned site, without obtaining the Environmental clearance as well as consents under the provisions of the Acts.
3. Quash the order in respect of felling of trees issued by Respondent No.6 vide Paper Notification dated 12-10-2021 in violation of EIA Notification as well as the provisions of Telangana Water, Land and Trees Act,2002.
4. Direct the Respondent Nos.1 and 2 to initiate appropriate action including prosecution against the officials who have allowed the project proponent to proceed with the project of industrial park without obtaining Environmental clearance.

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5. Direct the Respondent Nos. 2 to 6 not to convert the irrigational tanks into industrial phase and to preserve the irrigation Tanks, situated in the above lands in Sy.Nos.1495 and 1510, Wargal village, Wargal Mandal, Siddipet District, Telangana state with prominent marks and structures and also fence the same with barbed wire to safe guard the water bodies.
6. Direct penal action and impose Environmental Compensation including restitution of environment on Respondent Nos. 4 to 6 for the breach of statutory provisions and inter-alia for loss of ecological services foregone and costs to restore the damage done to the environment and ecology.

**Order dated 31.01.2022 of the Hon'ble Tribunal**

The matter was taken for hearing before the Hon'ble NGT, Chennai on 31.01.2022 and the relevant extract of the Order of Hon'ble NGT is as follows.

- To ascertain the genuineness of the allegations made in the application, Tribunal appointed a Joint Committee comprising of

- 1) Senior Officer from MoEF&CC, Integrated Regional Office, Hyderabad,
- 2) Senior Officer from SEIAA, State of Telangana,
- 3) Senior Officer from Pollution Control Board as nominated by its Chairman and
- 4) District Collector of Siddipet District himself to inspect the area in question

and submit a factual as well as action taken report, if there is any violation found.

➤ **Terms of reference**

- 1) Whether any preparatory work including felling of trees has been started in the proposed site in violation of EIA Notification, 2006,
- 2) whether any of the water bodies are situated in the proposed site as alleged by the applicant and if so, what is the nature of impact on water bodies on account of the alleged unauthorized work said to have been committed by 4th respondent,
- 3) If any, damage has been caused to environment or any violation has been committed of EIA Notification, 2006 or other environmental laws, then the Committee is directed to assess the environmental compensation as directed by this Tribunal in several cases of this nature and

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4) The Committee is also directed to ascertain whether any trees have been felled in the proposed area and if so, what is the number of trees felled in that area considering the allegations that about 2000 trees have been cut and removed.

In compliance to the Hon'ble NGT Order dated 31.01.2022, in O.A. No. 14 of 2022, the committee is constituted comprising of the following officers: -

- i. Dr.E.Arockia Lenin, Scientist 'C', Integrated Regional Office, MoEF&CC, Hyderabad.
- ii. Sri.D.Narender, SEE (FAC), Representative from SEIAA, Telangana.
- iii. Sri B.Raghu, Chief Environmental Engineer, TSPCB, Head Office, Hyderabad.
- iv. Sri.Muzammil Khan, IAS, Additional Collector & Magistrate, Siddipet.

**Virtual Meeting of the Joint Committee held on 25.02.2022:**

It is to submit that in compliance to the directions of the Hon'ble NGT, a preliminary meeting was held on 25.02.2022 and all the Members of the Joint Committee attended the meeting, during the meeting the representative of SEIAA informed the committee that M/s. Telangana State Industrial Infrastructure Corporation (TSIIC) has applied for ToR on 14.02.2022 for the proposed "Telangana Special Food Processing Park" at Sy.No.1495, 1510, Wargal (V&M), Siddipet District for obtaining Environmental Clearance from SEIAA, Telangana.

The Joint Committee decided to conduct inspection of the site during 1<sup>st</sup> week of March 2022 and address to the concerned Stake Holder departments to be present during the inspection. After the inspection and interaction with the concerned Stake Holder Department's detailed report will be submitted within four weeks.

5. It is seen from the report that the M/s. Telangana State Industrial Infrastructure Corporation (TSIIC) has applied for ToR on 14.02.2022 for the proposed "Telangana Special Food Processing Park" at Sy. No.

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1495, 1510 Wargal (V&M), Siddipet District seeking Environmental Clearance (EC) from State Environment Impact Assessment Authority – Telangana.

6. It was also mentioned in the report that they proposed to conduct the inspection of the site during 1<sup>st</sup> week of March 2022. It is not known as to whether the inspection has been conducted or not.
7. Moreover, the respondents also have not filed the statements so far.
8. However, we feel that some time can be granted to the Joint Committee as well as the respondents to file the report and the pleadings and they are directed to file the same on or before 21.04.2022 by e-filing in the form of searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per rules.
9. The Registry is directed to communicate this order to the members of the Joint Committee as well the official respondents through e-mail immediately, for their information and for compliance of the direction.
10. For completion of pleadings and also for consideration of Joint Committee report, post on 21.04.2022.

.....Sd/-.....J.M.  
(Justice K. Ramakrishnan)

Sd/-  
.....E.M.  
(Dr. Satyagopal Korlapati)

O. A. No.14/2022, (SZ)  
23.03.2022, Sr.