

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE BENCH AT CHENNAI**

**Original Application No.150 of 2022**

**(Under Section 14 & 15 (b) & (c) r/w Section**

**18 (1) & (2) of the National Green Tribunal Act 2010)**

IN THE MATTER OF:

Sri. S.R. Ganesh and Three others

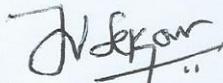
Applicants

-Vs-

The Chief Secretary,  
Government of Karnataka,  
and Two others

Respondents

**REPLY FILED BY THE THIRD RESPONDENT**



**T.V.SEKAR, MS.No.143/1980**

**COUNSEL FOR THE 3<sup>RD</sup> RESPONDENT**

**Cell No.9381059010**

**E-Mail: [sekarvallam@gmail.com](mailto:sekarvallam@gmail.com)**

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SOUTHERN ZONE BENCH AT CHENNAI**

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Act 2010)**

**IN THE MATTER OF:**

1. Sri. S.R. Ganesh and Three others : Applicants

and

The Chief Secretary,  
Government of Karnataka,  
and Two others : Defendants

Replly filed by the Third Respondent

1. The address of the Third Respondent that of its Counsel Mr. T.V. Sekar, Advocate at Old No.6, New No.11, 5<sup>th</sup> Cross Street, C.I.T. Colony, Mylapore, Chennai – 600 004 and also at Chamber No.229, 1st Floor, Phase III, High Court Buildings, Chennai – 600 104.
2. The Third Respondent has read the Memorandum of Application filed by the Applicant and denies all the averments and allegation contained therein except these that are expressly admitted here there under.
3. With reference to Para 4 it is for the Applicants to prove their ownership to the satisfaction of this Honorable Tribunal.
4. With reference to Para 5 the Respondent denies the averment that residential colonies have sprung up around the Rakshasa Holla most of them developed by or with the sanction of the Bangalore

*Satishwar*

Development Authority. This Respondent states that most of the layouts around this area are unauthorized layouts and are existing in an illegal manner.

5. With reference to Para 6 this Respondent is not aware of the averments that in their land they have leased out for ATM and the Sub-Registrar Office and the Applicants should prove the same to the satisfaction of the Hon'ble Tribunal.
6. With reference to Para 7 the averment therein may be true to a certain extent however it is not true that the rain water gets drained into small canals in entire city of Bangalore. The survey map of the Area which is shown as annexure 'B' is not clear at all and the applicants may be directed to produce a clear picture with more particulars.
7. With reference to Para 8 it may be true that Rakshasa Halla Flats adjacent to the land owned by the Applicants in Survey No.2 of Laggere Village. However the applicants are put to strict proof of such encroachments to the satisfaction of the Hon'ble Tribunal.
8. With reference to Para 9 this Respondent submits that the Rain Water Canal ferred as Rakshasa Halla by the locals is a drop zone which was a rough canal. This Respondent states as there is no barrier wall and the said canal has become large gradually due to the force of rainwater flow..  
The said Canal previously consisted of several drop zones and during the construction of unauthorized buildings in and around the canal an enormous amount of mud is filled on the canal bank



and that increased the height of the canal the photos of the Rakshasa Halla before civil works is annexed herein as annexure I.

9. With reference to Para 10 this Respondent states prior to taking up development work of this canal by the rain water canal department the height of the canal has been raised to 12.00 meters which was 9.00 meters before. Over a period of time width of the canal has also increased and as more money has to be spent unnecessarily to construct RCC barrier wall in proportion to the encroached height and width technical approval was taken from the concerned authority to install flume pipe according to the discharge and a pipeline system was put in place using pipelines, canals, tunnels and bridges available with a engineering system to allow the water to flow forward from the canal using hydraulic discharge in proportion to the catchment area.

After four years of completion of the civil works construction of swimming pool, school building and a park has been taken up by the this Respondent without making any damage or obstruction for rain water flow in this area these constructions have been taken up for public use in a area adjacent to the Rakshasa Halla belonging to the Third Respondent. It is totally wrong to project that flume pipe has been installed to the rain water pipes for the construction of school building and swimming pool.

10. With reference to Para 11 the averment that they have obtained copies of documents under the RTI Act which are produced as annexure 'E' the Applicants are put to strict proof to the satisfaction of the Hon'ble Tribunal.

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11. With reference to Para 12 this Respondent denies that it is closing a natural stream which has been in existence since time immemorial this Respondent states that the natural Rain water canal viz Rakshasahalla has not been closed, no obstruction has been made for free and natural flow of rainwater. Civil works to install hume pipe to the said rainwater canal has been taken up as per Karnataka Transparency Public Procurement Act. This Respondent states before taking up the civil works tender notification has been published in newspapers and advertisement was given, It may not out of place to mention the subject civil works was inaugurated by the hon'ble Chief Minister of Karnataka.

This Respondent states while taking up the civil works and even after several years after completion of the project there has been no objection or complaints recorded by the public or local residents. This Respondent states the allegations of the Applicants are being done with biased intention and ulterior motive

13 With reference to Para 13 this Respondent states the averment of the Applicants that the work of closure of the stream without consulting any of the residents of the area no has any notification to that effect has been been published is not correct since there is no closure of the stream nor any blockage is there and no obstruction has been made for free and natural flow of rainwater. There is no requirement for consulting any of the residents of the area nor requirement of publication of a notice as necessary since the installation of hume pipes were close for years back. The Applicant is put to strict proof that any law requires consultation of the residents and a notification to be published

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- 14 With reference to Para 14&15 the allegation of the Applicant that by installing hume pipe to the said rainwater canal is causing flood like situation in the area during rainy season is far from the truth. The canal has been constructed four years back and there has been no instance of flooding even once. The Applicants contention that the erection of a barrier wall is also obstructing the canal is also far from the truth at the risk of repetition this respondent states no obstruction has been made to the free and natural flow of rain water.
- 15 With reference to Para 16 & 17 this Respondent again states that no barrier has been erected or changes made which would effect the free flow of rainwater through the canal namely the Rakshasa Halla.
- 16 With reference to Para 18 the third Respondent states that there has no reports of flooding in this area.
- 17 With reference to Para 19 the applicant only presumes that water would enter the houses and this Respondent states there is no obstruction for the free flow of water due to the construction of a Government building.
- 18 With reference to Para 20,21 and 22 this Respondent states that four years have passed since the installation of hume pipe to the Rakshsa Halla and till date there has been no reports of flooding in that area
- 19 With reference to Para 23 the averment of the Applicant that the water flowing into the stream from the upper areas would gush out as a small pipe cannot take the entire water and the chances of underground pipe line also cannot be ruled out is totally imaginary and illusory. This Respondent states as mentioned the Applicant no



barrier wall has been erected to the Raksha Halla. The catchment area of the Rakshasa Halla is 1,050 square meters and discharge from the canal is 12 Cubic Metres/Seconds two hume pipes(Mp3 Class)have been installed in such a situation there is no problem for the water from the catchment area to pass through the said hume pipe, inspection chambers have been constructed in the hume pipe and this will enable inspecting the pipe and remove any debris inside the hume pipes

20 In the light of the above this Respondent states there are no merits in the above application and it must be dismissed with exemplary costs.

Dated at Bangalore on this 7<sup>th</sup> day of July 2023.

Third Respondent



# ANNEXURE - 1



ANNEXURE - 2



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E-Mail: [sekarvallam@gmail.com](mailto:sekarvallam@gmail.com)**