

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

ORIGINAL APPLICATION No. 16 OF 2022 (SZ)

[Earlier, OA No. 614 of 2018 (PB)]

IN THE MATTER OF:

Dr. Lubna Sarwath
Hyderabad.

....

Applicant

Versus

Chief Secretary,
Govt of Telangana,
Hyderabad & Others

....

Respondent(s)

REPORT OF JOINT COMMITTEE

R U N N I N G I N D E X

Sl. No.	Particulars	Page Nos.
1.	Joint Inspection Report dated 21.03.2022.	1 - 11
2.	Annexure-I - Hon'ble NGT, Chennai Order dated 16.02.2022	12 - 15

Place: Hyderabad

Date: 21-03-2022.

Inspection Report in the matter of OA 614/ 2018 (PB)

**JOINT INSPECTION REPORT in the matter of OA 614/ 2018 (PB) AS PER
THE HON'BLE NGT OTDER DATED 14.12.2021.**

Submitted To

**HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Inspection Report in the matter of OA 614/ 2018 (PB)

I Preamble

The issue is related to protection of a water body Bum-Rukn-ud-Doula located opposite to Sardar Vallabhbhai Patel National Police Academy, Shivrampally, Hyderabad. The applicant has alleged that the water body is a heritage site and due to poor maintenance and lack of monitoring, the lake area is encroached. Further, the applicant has also alleged that sewage from the surrounding colonies is discharged into the water body and that due to discharge of sewage, the water body has lost its serenity and natural splendour. Due to encroachments, the Full Tank Level (FTL) boundaries of the area are modified and original FTL levels are not maintained. The applicant has approached Hon'ble NGT to safeguard the Bum-Rukn-ud- Doula water body and to restore the original glory of the water body.

In this connection Hon'ble NGT obtained reports from Telangana State Municipal Administration & Urban Development Department (MAU&D) and Telangana State Pollution Control Board (TSPCB). In pursuance of Hon'ble NGT order TSPCB has filed a report dated 07.12.2021 stating that GHMC (Greater Hyderabad Municipal Corporation) has laid diversion channels and sewage is not allowed to enter the water body, C&D waste dumped along the water body is removed and CCTV cameras are installed to monitor any illegal activities.

II Hon'ble NGT orders

In the matter of OA 614/2018 (PB), Hon'ble NGT vide order dated 14.12.2021 has directed as follows “ *Since satisfactory action still remains to be taken and exact status is not clear, it is necessary to constitute an independent Committee to verify the actual status. For this purpose, a Joint Committee comprising MoEF&CC, CPCB, State PCB, National Wetland Authority and State Wetland Authority is constituted. The State PCB and State Wetland Authority will be the nodal agency for coordination and compliance. Joint Committee may meet within two weeks and undertake visit to the site. The Committee may ascertain compliance of the Wetland Rules in the light of observation of the Hon'ble Supreme Court order dated 03.04.2017 in M.K. Balakrishnan & Ors. v. Union of India & Ors. and order of this Tribunal dated 25.11.2021 in O.A. No. 351/2019, Raja Muzaffar Bhat vs. State of Jammu & Kashmir & Ors.* ”

Inspection Report in the matter of OA 614/ 2018 (PB)

In compliance to the Hon'ble NGT order, the following officials were nominated to the Joint Committee:

1. Dr. M. Ramesh, Member Secretary, National Wetlands Committee, MoEF& CC, GOI.
2. Smt. T. Mahima, Scientist D, CPCB, Regional Office, Chennai.
3. Dr. E. Arockia Lenin, Scientist C, Integrated Regional Office, MoEF& CC, GOI, Hyderabad.
4. Sri B.V. Bhadra Girish, Senior Environmental Engineer (FAC), TSPCB, Hyderabad.
5. Smt. V. Manjula, Executive Engineer, State Wetland Authority.

Scope of the committee:

As per the above said directions of the Hon'ble NGT, the following issues were examined by the Committee.

- Whether there are encroachments in the FTL of the lake.
- Whether the GHMC has diverted the Sewage entering in to the Lake from the surrounding.
- Whether, the installed CCTV cameras are in working condition or not.
- Compliance of the Wetland Rules, 2017 in the light of observation of the Hon'ble Supreme Court order dated 03.04.2017 in M.K. Balakrishnan & Ors. v. Union of India & Ors. and order of this Tribunal dated 25.11.2021 in O.A. No. 351/2019, Raja Muzaffar Bhat vs.State of Jammu & Kashmir & Ors.

The committee inspected the lake on 16-02-2022 visited all the locations around the lake as suggested by the applicant and also interacted with the applicant.

The applicant has informed the following:

- In spite of many requests the concerned Departments have not taken any measures to stop the encroachments in the FTL of the Lake and the encroachments are still continuing in the lake FTL.
- The diversion pipe line was also laid within the FTL.
- The C&D waste that has been dumped was not removed by GHMC.
- There is also open well is existing downstream of the lake bund which was historically used for drinking water during the Nizam's period. Adjacent to the open well there is a

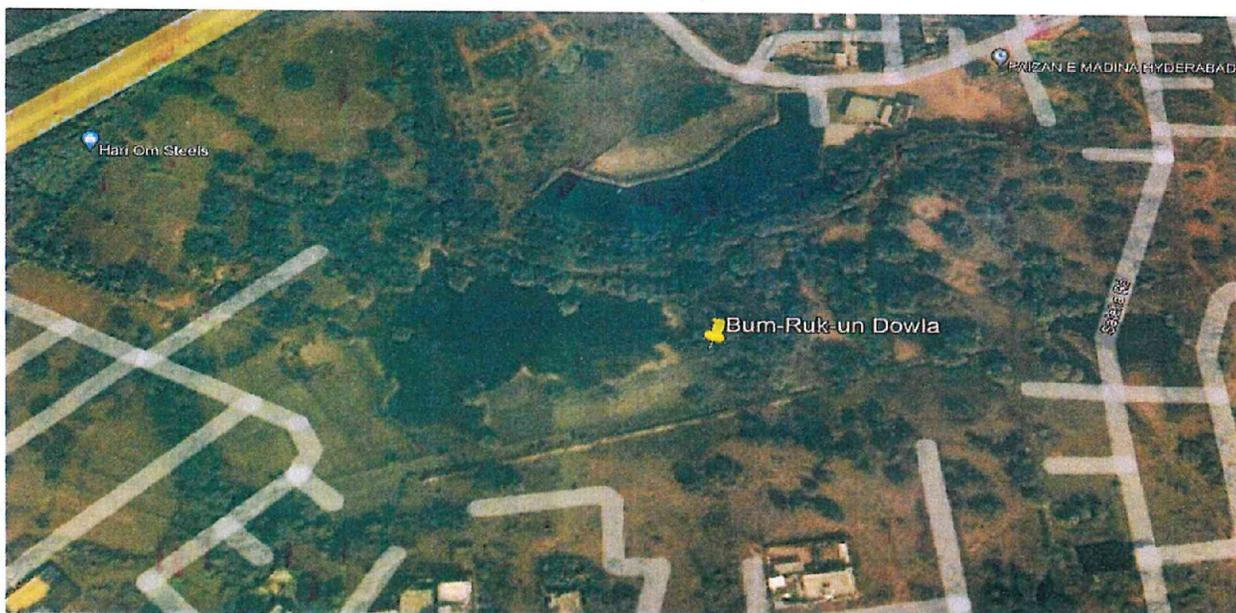
Inspection Report in the matter of OA 614/ 2018 (PB)

naturally occurring water spread on open ground in an area of 1 acre and having water springs underneath. Accordingly, the lake is having historic value / importance.

In view of the above, the applicant requested the Committee to recommend for restoration of the lake.

III About Bum-Rukn-Ud-Doula

Bum - Rukn-ud-Daula lake or Rukunu Doula Lake is a historic lake situated in Shivarampally village near Hyderabad. Reported that the lake was constructed in 1770 by Nawab Rukn-ud-Daula - the Prime Minister of Sikandar Jah - the 3rd Nizam of Hyderabad. The lake was called as "Lalaram cheruvu" as per GOI toposheets.



Satellite image 11/2000

Inspection Report in the matter of OA 614/ 2018 (PB)



Satellite image 5/2009



Latest satellite image dated 11/2020

Inspection Report in the matter of OA 614/ 2018 (PB)



- earthen tank bund
- stone rivetment provided
- tank / bowli adjoining to the lake
- wall is constructed to protect lake boundary
- Iron fencing provided within FTL

Based on GOI 1975 toposheets, the area of the lake is around 18.575 acres. Adjacent to the lake, there is a well of 2 acres (bowli) downstream to the tank, adjacent to the bund. Also there is naturally occurring water spread on the open ground adjacent to the well. During 2014, Irrigation Department has conducted contour survey and fixed the Full Tank Level (FTL) boundaries of the lake. As per the 2014 survey, the salient features of the lake are as follows:

- Water spread area: 8.915 acres
- Area of the tank upto FTL: 18.575 acres.

From the 2014 contour map, it is observed that there are encroachments / buildings within the FTL area i.e within 18.575 acres. GOI toposheet is enclosed as Annexure-I and contour survey map of 2014 is enclosed as Annexure-II.

Currently, Irrigation Department is the custodian of this water body. From the historical satellite images the lake is always filled with water. During the visit, the Committee observed that the

Inspection Report in the matter of OA 614/ 2018 (PB)

lake is partially filled with water. There are no feeder channels into the lake and the lake is rain fed.

The lake is surrounded by:

North: Lake bund followed by bowli (tank of 2 acres filled with water) and a naturally occurring water spread on open ground.

South: Road followed by residences

East: Vacant plots followed by residences/ encroachments

West: Residences adjoining to the lake.

IV Present Status of the lake

IV. a) Demarcation of FTL boundaries of the lake

The Committee observed that the FTL boundaries of Bum-Ruk-Un-Doula lake is demarcated by the Irrigation Departments during 2014 by carrying out contour survey of the area. In the contour map of 2014, buildings are already existing within the FTL boundary. However, the Department has not physically demarcated the lake boundary.

The North Tank Division (NTD), Irrigation & Command Area Development (I & CAD) Department has provided 150m iron fencing (height upto 3m) out of required 1050 m for protection of existing water body. Though Irrigation Department has undertaken fencing, fences are laid inside the FTL and not at the periphery or at the boundary of lake. In addition fencing is taken up only on western side while on southern and eastern side, no fencing is carried out. It was reported by Irrigation Department that further fencing could not be carried out due to Stay Order from the Hon'ble High Court. Hence, the existing boundaries of lake are also not in protected condition. The Committee observed that it is extremely essential and critical that the existing boundaries of the lake have to be demarcated & protected to prevent further encroachments.

Inspection Report in the matter of OA 614/ 2018 (PB)

IV. b) Pollution of lake due to entry of sewage

The Committee observed that presently there are no feeder channels into the lake and there are no sewage inlet points into the lake. Hydraulic load of the lake is maintained naturally due to rainfall. Rasheed colony, Kings colony and Raghavendra colony are in the vicinity of the lake and around 0.5 MLD of sewage is generated from these colonies. Sewage generated from these colonies was earlier disposed through septic tanks in the absence of UGD system. Presently, GHMC has laid diversion channel of length 340m (32 manhole chambers) and the entire sewage entering the Bum-Ruk-Un-Doula lake is diverted into Mir-Alam tank. Though GHMC/ HMDA has made efforts to divert the sewage into 10 MLD STP located near Mir-Alam tank, the committee observed that Mir-Alam tank STP is already receiving 9.3 to 9.8 MLD sewage from surrounding residential area and can barely take further load. Hence sewage diverted from Bum-Ruk-Un-Doula lake is sometimes discharged into Mir-Alam tank without any treatment. Another STP of 11.5 MLD is sanctioned by the Government to treat further load of sewage generated by the surrounding areas. The Committee observed that 340m of diversion channel and 32 manhole chambers are located within FTL boundary of the lake.

Currently, sewage is not entering Bum-Ruk-Un-Doula lake. Committee observed that two private septic tanks that were previously laid are still existing within the FTL boundary of the lake. Though these septic tanks are presently not in use but however they are filled with sewage. GHMC shall immediately clean and then dismantle the private septic tanks located within FTL area.

The Committee collected water samples from the lake. As per analysis report (**Annexure**) indicated the lake water quality was 'D' Class.

IV. c) Dumping of C & D waste

Construction activities are taking place near the lake and since the lake boundaries are not protected, local residents are dumping the C& D waste into the lake. C & D waste generated during laying of diversion channel & manhole chambers are dumped inside the lake by GHMC. In addition a temporary ramp was constructed by GHMC using available C&D waste and soil for

Inspection Report in the matter of OA 614/ 2018 (PB)

easy movement of vehicles during construction within the lake FTL. The Committee observed that the ramp is not dismantled. The Committee recommends that GHMC / Irrigation Department shall immediately remove the temporary ramp and C & D waste from the lake and dispose it in C & D waste treatment facility.

IV. d) CCTV cameras

The GHMC has installed 4 no. of C.C.T.V Cameras to monitor the illegal dumping of C&D Waste. However, the Committee observed that the positioning of the 2 cameras is remote and cannot exactly capture the movement of the vehicles near the lake. The GHMC officials present at the time of Committee visit could not inform as to where from the CCTV camera footages are monitored.

IV. e) Compliance of the Wetlands Rules, 2017

- These Rules are applicable to the wetlands or wetlands complexes categorized as 'wetlands of international importance' under the Ramsar Convention and wetlands as notified by the Central Government, State Government and Union Territory Administration.
- The Bum-Ruk-Un-Doula lake is not yet notified under the Wetlands (Conservation and Management) Rules, 2017.
- However, the Hon'ble Supreme Court vide Order dated 04.10.2017 in W.P. (C) No. 230 of 2001 has inter-alia, directed that, "*We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010*". This was also communicated by MoEF&CC to all the States and UTs.
- The Bum-Ruk-Un-Doula lake is covered in the above said wetlands mapped by the Union of India. Hence, as per Rule 4 of the Wetlands Rules, 2017, following activities are required to be prohibited within Bum-Ruk-Un-Doula lake:

Inspection Report in the matter of OA 614/ 2018 (PB)

- Conversion for non-wetland uses including encroachment of any kind
- Setting up of any industry and expansion of existing industries
- Manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016;
- Hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;
- Solid waste dumping;
- discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements
- any construction of a permanent nature except for boat jetties within fifty meters from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and
- poaching.

Recommendations:

1. The GHMC shall take necessary measures to stop the encroachments within FTL of the lake immediately.
2. The I&CAD Department shall complete the fencing of the boundary for protection of the lake.
3. The GHMC shall take immediate steps to remove the existing C&D waste and the temporary road laid for the purpose of laying of diversion of pipe line.
4. The GHMC shall ensure no sewage enters into the lake.
5. The GHMC shall immediately clean and then dismantle the private septic tanks located within FTL area.

Inspection Report in the matter of OA 614/ 2018 (PB)

6. The GHMC shall relocate the existing the CCTV Cameras so as to monitor the C&D waste dumping and other illegal activities and also install additional CCTV cameras.
7. The GHMC shall install CCTV cameras at bowli area (open well) in order to prevent the C&D waste dumping and illegal activities.
8. The Telangana State Wetland Authority (TSWA) shall ensure protection of wetlands (>2.25 hectare) as per Rule 4 of the Wetlands Rules, 2017, in general and Bum-Ruk-Un-Doula lake, in specific, on top priority, in compliance to the direction of Hon'ble Supreme Court.
9. The TSWA shall take requisite actions as envisaged under the Wetlands Rules, 2017, in general and for Bum-Ruk-Un-Doula lake, in specific.
10. The TSWA may notify Bum-Ruk-Un-Doula lake under the Wetlands Rules, 2017.
11. In compliance to the order dated 25.11.2021 of Hon'ble NGT in O.A. No. 351/2019, Raja Muzaffar Bhat vs.State of Jammu & Kashmir &Ors., the District Magistrate concerned for Bum-Ruk-Un-Doula lake shall ensure that this lake is covered in the District Environment Plan and take all requisite actions as per the said order in consultation with TSWA.



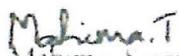
Smt. V. Manjula, Executive
Engineer, State Wetland
Authority



Sri. B.V. Bhadra Girish,
Senior Environmental
Engineer (FAC), TSPCB,
Hyderabad



Dr. E. Arockia Lenin,
Scientist C, Integrated
Regional Office, MoEF &
CC, GOI, Hyderabad



Smt. T. Mahima, Scientist
D, CPCB Regional Office,
Chennai



Dr. M. Ramesh, Member
Secretary, National
Wetlands Committee
MoEF & CC, GOI

Item No. 01:

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 16 of 2022(SZ)

(Through Video Conference)

IN THE MATTER OF:

Dr. Lubna Sarwath,
Hyderabad, Telangana.

...Applicant(s)

Versus

The Chief Secretary to Govt. of Telangana,
Hyderabad,
Telangana and others.

....Respondent(s)

Date of Hearing: 16.02.2022

CORAM:

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

HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s):

Dr. Lubna Sarwath (Party – in – Person)

For Respondent(s):

Mrs. H. Yasmeen Ali for R1 to R3, R6 & R7

Mr. D. Sreenivasan for R4

Mr. T. Sai Krishnan through

Ms. Dayana for R5 & R8

ORDER

1. The above case has been originally taken Suo – Motu on the basis of the letter petition received on e-mail alleging pollution and encroachment in Bum-Rukn-Ud-Dowla a historic heritage water body. Earlier certain

13

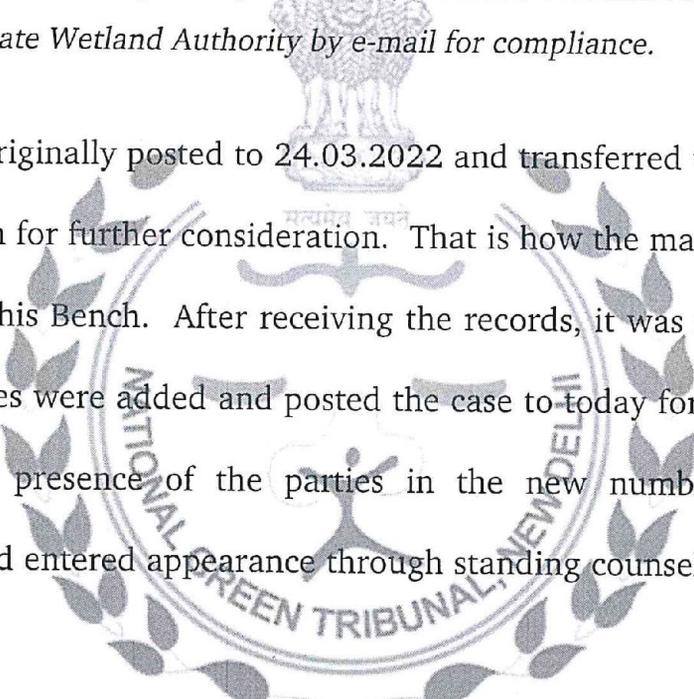
committees were constituted and the reports were obtained from the Joint Committee as well as from the Telangana State Pollution Control Board (TSPCB) and other Departments. As per order dated 14.12.2021, after considering the objections and also earlier orders passed, the Principal Bench of National Green Tribunal, New Delhi has passed the following order:-

“ 4. We have heard the applicant in person as well as the Officers present and learned Counsel. The report does not give complete picture of the remedial measures, as was expected. The applicant in person states that there is continued concretization and constructions in the lake as well as change in the FTL markings. It is orally explained by the officer of the State PCB that two STPs of 10MLD and 5MLD are operating and the sewage received in 10MLD STP from the Kings Colony, Rasheed Colony and Raghavendra Colony is 1MLD. Fencing work is being undertaken. These facts are orally stated but not mentioned in the report. The same need verification also. The concerned Officers may file complete status report by e-mail in the course of the day. The applicant is also permitted to file further documents in the Court.

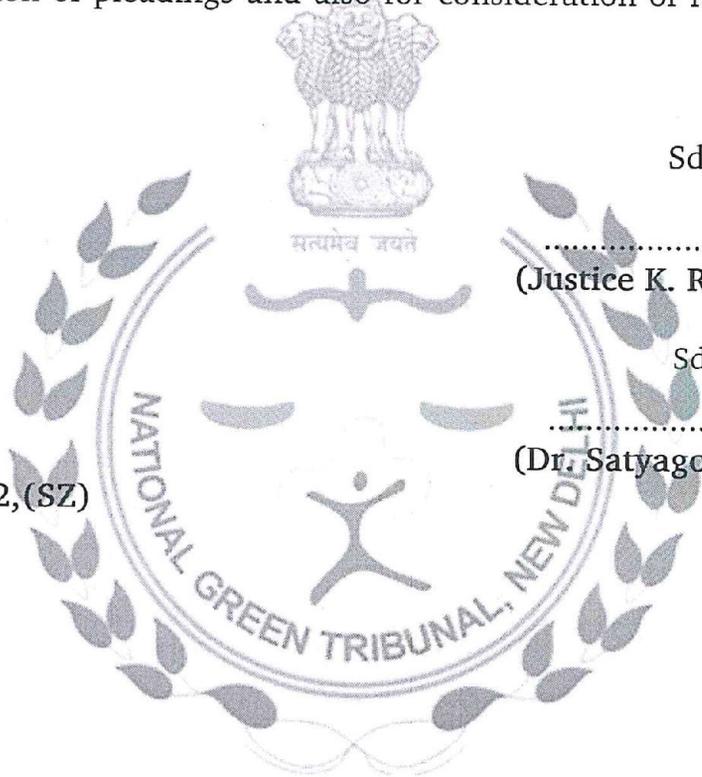
5. Since satisfactory action still remains to be taken and exact status is not clear, it is necessary to constitute an independent Committee to verify the actual status. For this purpose a joint Committee comprising MoEF&CC, CPCB, State PCB, National Wetland Authority and State Wetland Authority is constituted. The State PCB and State Wetland Authority will be the nodal agency for coordination and compliance. Joint Committee may meet within two weeks and undertake visit to the site. The Committee may ascertain compliance of the Wetland Rules in the light of observation of the Hon'ble Supreme Court order dated 03.04.2017 in M.K. Balakrishnan & Ors. v. Union of India

& Ors.2 and order of this Tribunal dated 25.11.2021 in O.A. No. 351/2019, Raja Muzaffar Bhat vs. State of Jammu & Kashmir & Ors

6. The Committee may give its report within two months by email at judicial-ngt@gov.in and registrar-ngt@gov.in to the Southern Bench of this Tribunal. The matter may thereafter be considered by the Southern Bench. The registry may transfer the record of the proceedings to the Southern Bench. List for further consideration on 24.03.2022. A copy of this order be forwarded to the MoEF&CC, CPCB, State PCB, National Wetland Authority and State Wetland Authority by e-mail for compliance.

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2. The case was originally posted to 24.03.2022 and transferred the matter to Southern Bench for further consideration. That is how the matter has been posted before this Bench. After receiving the records, it was re-numbered and then, parties were added and posted the case to today for the purpose of getting the presence of the parties in the new number. All the respondents had entered appearance through standing counsel. So Service is complete.
 3. The applicant had submitted that on the basis of the directions of the Principal Bench of National Green Tribunal, New Delhi, the committee is expected to conduct the inspection today.
 4. Under such circumstances, we feel that the case can be posted to the original date, namely, 24.03.2022 itself so that the committee can submit the further report as directed by the Principal Bench of National Green Tribunal, New Delhi.

5. In the mean time the parties are at liberty to file their independent responses and also action taken for their individual capacity which they are expected to take if the allegations are found to be true.
6. The Registry is directed to communicate this order to the official respondents and also to the members of the committee immediately by e-mail, so as to enable them to comply with the direction without delay
7. For consideration of pleadings and also for consideration of reports, post on 24.03.2022.



Sd/-

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

Sd/-

.....E.M.
(Dr. Satyagopal Korlapati)

O. A. No.16/2022,(SZ)
16.02.2022,Sr.