

BEFORE THE HON'ABLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE BENCH AT CHENNAI

OA NO. 16 OF 2022

IN THE MATTER OF:

DR. LUBNA SARAVATH

.....APPLICANTS

VERSUS

THE CHIEF SECRETARY TO GOVT. OF TELANGANA, HYDERABAD

.....RESPONDENTS

INDEX

Sl. No	PARTICULARS Synopsis and list of dates	Page No's
1	Report filed by Irrigation Department	1-5
2	ANNEXURE-1 FTL & Cadastral Map	6-7
3	ANNEXURE-2 Tank details in HMDA Website	8
4	ANNEXURE-3 Toposheet	9
5	ANNEXURE-4 Photographs of Fencing	10-11
6	ANNEXURE-5 Photographs	12
7	Orders issued by the high court of Telangana on cases of Bum-rukhdowla tank	13-18
8	Affidavit filed on WP No.28151 of 2018	19-24
9	Counter affidavit filed on WP No.28151 of 2018	25-29

THROUGH

Date: 28.12.2022

Place: Hyderabad

H.Y
H.Yasmeen Ali

Counsel for R-6

BEFORE THE NATIONAL GREEN TRIBUNAL,(SZ), CHENNAI**Original Application No. 16 of 2022**

Dr. LubnaSarwath

....Applicant

-Vs-

The Chief Secretary to
Govt. Of Telangana, Hyderabad.....Respondents**Report filed by the Irrigation Department – R-6**

It is to submit that the Hon'ble NGT, Chennai in its order dated 22.4.2022 directed to file the individual respondents to file their independent report before the Hon'ble Tribunal and in this regard, the following is submitted:-

1. It is to submit that, the Bum-Rukn-Uddin-Dowla lake is situated at 17°20'2.81"N, 78°26'28.81"E in Bum-Rukh-Uddin-Dowla (V), Rajendranagar(M) with FTL area of 18.575 Acres. The catchment area of the lake is urbanized and is fed by the residential sewerage from the surrounding colonies. The lake is surrounded by

North: HMDA park & Neher - E- Hussaini Bowli

South: Road

East: Vacant plots followed by residences

West: Residences adjoining to the lake.

2. It is submitted that due to urbanization & industrialization in and around Bum-Rukh-Ud-Dowla (V) i.e. in the catchment area of Bum-Rukh-Ud-Dowla, polluted water is entering into lake along with rain water as there are no separate storm water drains. In the present scenario it may not be necessary to restore the Bum-Rukh-Ud-Dowla as drinking water source, since drinking water scheme is available namely Mission **BHAGEERATHA** in Telangana Region.

Further it is to submit that Neher - E- Hussaini Bowli heritage Bowli is in the northern side of lake and it is not part of the lake.

3. The lake is in the Village of Bum-Rukh-Ud-Dowla and hence it is named as Bum-Rukh-Ud-Dowla Lake. Further there is park near the bund of lake maintained by HUDA. Some of the people call the lake as HUDA Park Lake. Google maps are open software and it was named as **Lallaram Cheruvu** by web users. But as per official records the tank's name is Bum-Rukh-Ud-Dowla. The FTL and Cadastral maps of lake are enclosed (Copy Enclosed- Annexure-I).
4. The Bum-Rukh-Ud-Dowla lake is surveyed by consultant **M/S AARVEE** associates under supervision of Irrigation and revenue departments by duly considering Revenue records, Survey of India Topo sheet and map was subsequently submitted to metropolitan Commissioner, HMDA through vide Lr.No.EE/NTD/DB/HD/2017/564, Dt.23.05.2017.. Subsequently the tank was Preliminarily notified on 17.10.2017 (Copy Enclosed- Annexure-II) and process of Final notification is under process. Further, the data from Survey of India and Revenue Village map also confirms that area of the tank not exceed more than 18.5 acres. The claim of FTL area of the tank as 104 acres does not have any substantial documentation proof. It is also submit that there are no upstream tanks for the lake and is does not have Canal feeding its only a rain fed tank.(Copy of TOPO sheet extract attached as Annexure-III)
5. Further, both Government and private lands are present in the tank's FTL area and its Buffer zone due to which pattedars are continuously objecting for protection of lake with an intention that there lands may be enclosed by the fencing and are involving dumping of Constructional Debris, however with an intention to protect the lake as per the orders of NGT Case OA 614/2018, protection of lake by fencing is sanctioned for an amount of

Rs.49.90 lakhs for FTL periphery and the work was grounded and the work is in progress. Further, during the execution of fencing, many objections came from pattadars as the lake foreshore is completely covered by pattalands, the pattedars have approached Hon'able High Court, Telangana for immediate relief and the Hon'ble Court has given orders to not to dispossess the petitioners by erecting fencing as requested by the petitioner to the Hon'ble Court. However, the fencing work with chain link mesh could be completed for length of 130 meters between FTL apex points R-12 to R-20 with the help of police protection as there were continuous threats and objections from locals and the status of fencing work for the remaining FTL perimeter is as follows.

FTL Apex points	Length (Mts)	Remarks
R 1-12	440	The area falls in unauthorized layout in Sy.No.50/1, 50/2 which has Hon'ble High Court orders of not to interfere order with reference to W.P.No.28151 of 2018,28590/2018 (copy of the orders enclosed)
R 12-20	222	The area falls in unauthorized layout in Sy.No.50/1, 50/2, however Fencing work to a length 130 meters completed
R 20-30	330	The area falls in Kings colony area where, there are old buildings and work cannot be taken up unless the structures are brought down (notices have been served by GHMC to the concerned households regarding demolition)

6. Since all the area of the tank is patta land nature, if the patta lands claimed by pattedars are acquired, the lake can be protected effectively. In view of the above, it is humbly submitted that the balance fencing of 862 meters would be taken up once the legal issues are cleared. The photographs of the executed fencing are attached as Annexure-IV.

7. It is to submit that, as per G.O.MS 168 dt.07.04.2012 of Government of Andhra Pradesh that a 9 meter of Buffer is to be maintained if the lakes area is less than 25 acres .Hence buffer of 9

meter is to be maintained for Bum-Rukh-Ud-Dowla lake since the area of FTL of lake is 18.5 acres.

8. Further, lake guards are deployed at the lake for watch and ward at the lake, so that constructions and C&D waste are controlled at the lake, also CCTV are installed on the foreshore area of lake so that continuous watch is on the lake same was also confirmed by the committee during their visit to the lake. CC camera are already and installed are being monitored, however the number of CC TV cameras will be increased along foreshore areas and Bowli area at downstream of the tank.

9. It is also to submit that initially lake was getting filled up with sewage from residential areas around the foreshore area of lake, however the sewage entering into the lake is successfully diverted out of the lake by December 2021 to the sewage treatment plants(STP) present at Miralam Tank which is on downstream side of Bum-Rukh-Ud-Dowla lake, also, there are 2 nos of STP's present at Miralam of 5MLD and 10 MLD capacity and there is another 40MLD STP construction is in progress and will be completed by march 2023 as informed by HMWSSB. Now the lake is free from sewage and presently lake is filled up with fresh water from recent monsoon (Photographs attached as Annexure-V). It is also to submit that though previously the tank is used as drinking water purpose but at present the tank is being used as percolation tank and ground water recharge purpose only. Presently Most of the drinking water requirement is met by Mission Bagheertha Program by Government.

10. Further, general maintenance of the lake bund is also taken up by clearing of thick bushes, unwanted trees on the bund which causes loosening of soil and weakening of bund itself. In addition we have also constructed weir on the right flank of tank to facilitate free flow of water.

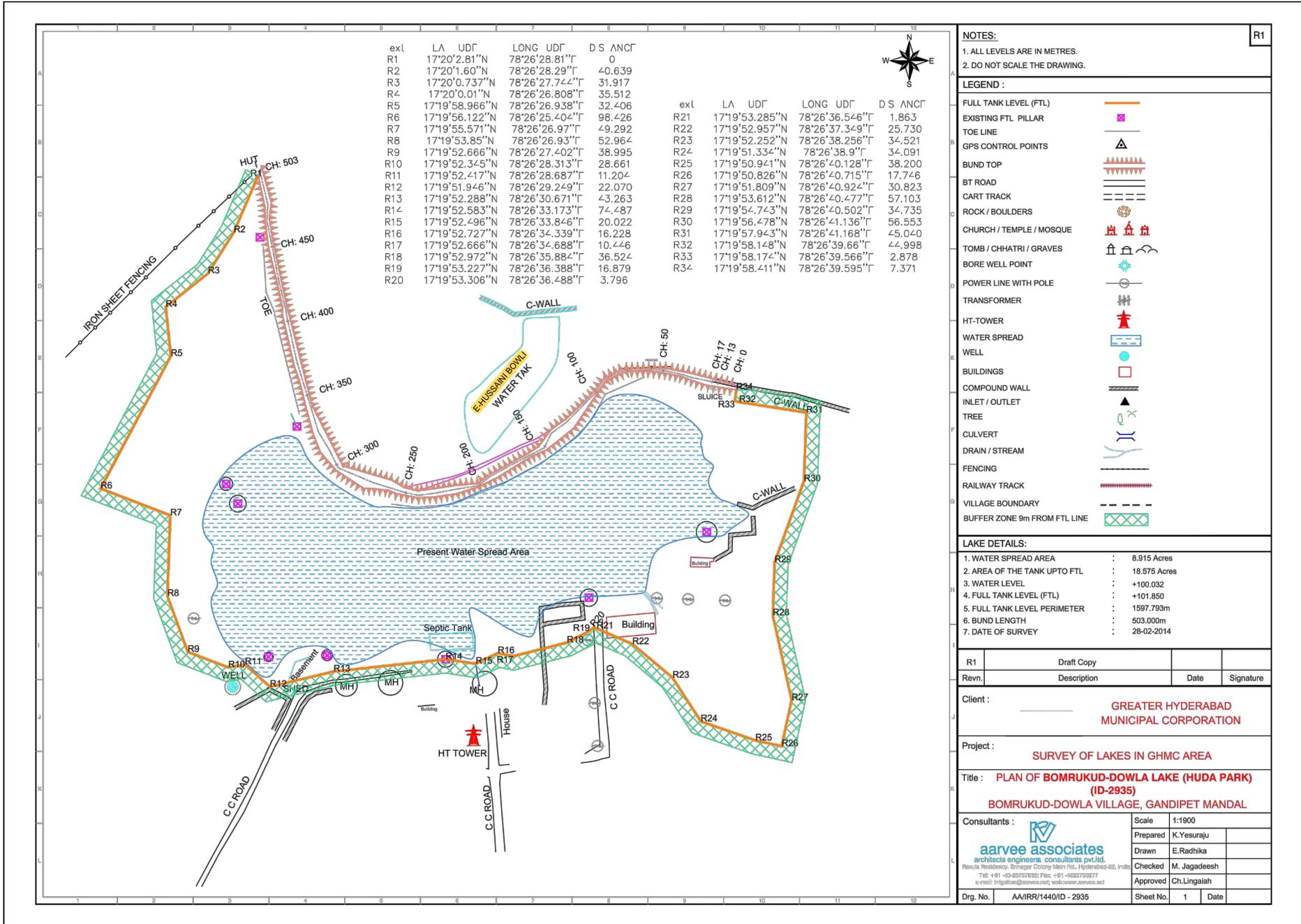
11. It is also to submit that correspondence is made by Irrigation department to concerned GHMC and Revenue departments regarding the new developments around the lake namely dumping activity and constructional activity. GHMC is competent authority for removing of encroachment and removal of C&D waste from lake area.

In view of the above it is to submit that, though the tank is not wet land as per the state wet land authority, we are taking steps for protection of the tank and for restoration of the tank.


**EXECUTIVE ENGINEER,
NORTH TANKS DIVISION
HYDERABAD.**

**[IRRIGATION WING UNDER
CONTROL OF GHMC]**

ANNEXURE-I



exl	LA UDF	LONG UDF	DS ANCF	exl	LA UDF	LONG UDF	DS ANCF
R1	17°20'2.81"N	78°26'28.81"E	0	R21	17°19'53.285"N	78°26'36.546"E	1.863
R2	17°20'1.60"N	78°26'28.29"E	-40.639	R22	17°19'52.957"N	78°26'37.349"E	25.730
R3	17°20'0.737"N	78°26'27.744"E	31.917	R23	17°19'52.252"N	78°26'38.256"E	34.521
R4	17°20'0.01"N	78°26'26.808"E	35.512	R24	17°19'51.334"N	78°26'38.9"E	34.091
R5	17°19'58.966"N	78°26'26.938"E	32.406	R25	17°19'50.941"N	78°26'40.128"E	38.200
R6	17°19'56.122"N	78°26'25.404"E	98.426	R26	17°19'50.826"N	78°26'40.715"E	17.746
R7	17°19'55.571"N	78°26'26.97"E	49.292	R27	17°19'51.809"N	78°26'40.924"E	30.823
R8	17°19'53.85"N	78°26'26.93"E	52.964	R28	17°19'53.612"N	78°26'40.477"E	57.103
R9	17°19'52.666"N	78°26'27.402"E	38.995	R29	17°19'54.743"N	78°26'40.502"E	34.735
R10	17°19'52.345"N	78°26'28.313"E	28.661	R30	17°19'56.478"N	78°26'41.136"E	56.553
R11	17°19'52.417"N	78°26'28.687"E	11.204	R31	17°19'57.943"N	78°26'41.168"E	45.040
R12	17°19'51.946"N	78°26'29.249"E	22.070	R32	17°19'58.148"N	78°26'39.66"E	44.998
R13	17°19'52.288"N	78°26'30.671"E	43.263	R33	17°19'58.174"N	78°26'39.566"E	2.878
R14	17°19'52.583"N	78°26'33.173"E	74.487	R34	17°19'58.411"N	78°26'39.595"E	7.371
R15	17°19'52.496"N	78°26'33.846"E	20.022				
R16	17°19'52.727"N	78°26'34.339"E	16.228				
R17	17°19'52.666"N	78°26'34.688"E	10.446				
R18	17°19'52.972"N	78°26'35.884"E	36.524				
R19	17°19'53.227"N	78°26'36.388"E	16.879				
R20	17°19'53.306"N	78°26'36.488"E	3.796				

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	
BUND TOP	
BT ROAD	
CART TRACK	
ROCK / BOULDERS	
CHURCH / TEMPLE / MOSQUE	
TOMB / CHATRI / 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	: 8.915 Acres
2. AREA OF THE TANK UPTO FTL	: 18.575 Acres
3. WATER LEVEL	: +100.032
4. FULL TANK LEVEL (FTL)	: +101.850
5. FULL TANK LEVEL PERIMETER	: 1597.793m
6. BUND LENGTH	: 503.000m
7. DATE OF SURVEY	: 28-02-2014

R1	Draft Copy		
Revn.	Description	Date	Signature

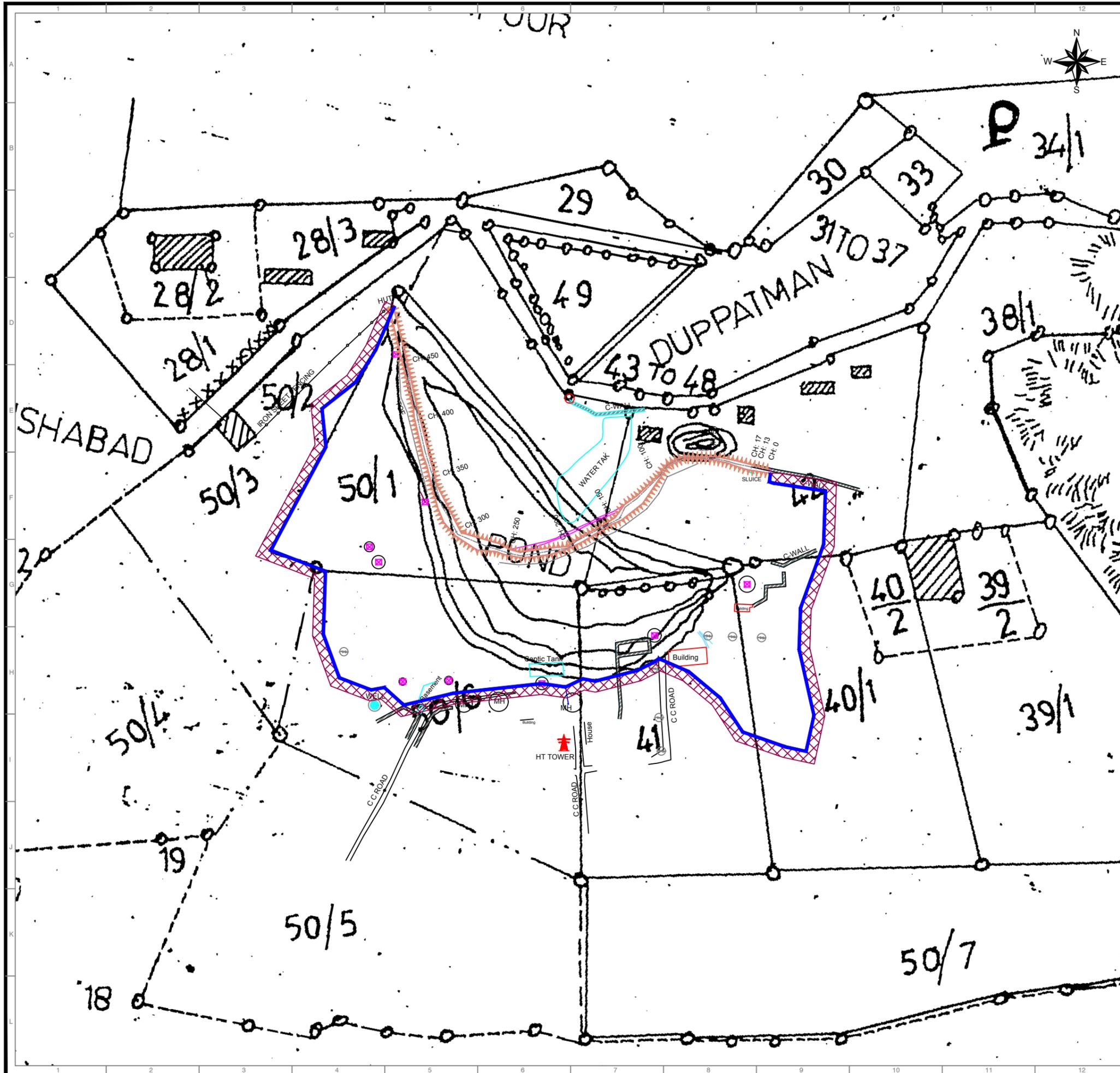
Client : **GREATER HYDERABAD MUNICIPAL CORPORATION**

Project : **SURVEY OF LAKES IN GHMC AREA**

Title : **PLAN OF BOMRUKUD-DOWLA LAKE (HUDA PARK) (ID-2935) BOMRUKUD-DOWLA VILLAGE, GANDIPET MANDAL**

Consultants :		Scale	1:1900
	aarvee associates architects engineers consultants pvt.ltd.	Prepared	K.Yesuraju
	<small>Head Office: Hyderabad, Sarifnagar Colony, Meen Peta, Hyderabad-500046, India. Tel: +91-9242070825 Fax: +91-4066770827 e-mail: hr@gaitan@aarveeassociates.com, saikrishna@aarvee.com</small>	Drawn	E.Radhika
		Checked	M. Jagadeesh
		Approved	Ch.Lingaiah

Dwg. No.	AA/IRR/1440/ID - 2935	Sheet No.	1	Date	
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NOTES:
1. ALL LEVELS ARE IN METRES.

LEGEND :

- FULL TANK LEVEL (FTL)
- EXISTING FTL PILLAR
- TOE LINE
- GPS CONTROL POINTS
- BUND TOP
- BT ROAD
- CART TRACK
- ROCK / BOULDERS
- CHURCH / TEMPLE / MOSQUE
- TOMB / CHHATRI / 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

R0	Draft Copy		
Revn.	Description	Date	Signature
Client :	GREATER HYDERABAD MUNICIPAL CORPORATION		
Project :	SURVEY OF LAKES IN GHMC AREA		
Title :	CADASTRAL MAP OF BUM RUKH UDDIN DOWLA LAKE (HUDA PARK) (ID-2935) BUM RUKH UDDIN DOWLA VILLAGE, GANDIPET MANDAL		
Consultants :	 <small>architects engineers consultants pvt.ltd. Ravula Residency, Srinagar Colony Main Rd., Hyderabad-82, Tel: +91 -40-23737633; Fax: +91 -4023736277 e-mail: irrigation@aarvee.net; web:www.aarvee.net</small>		
Scale	1:1900		
Prepared	A.Sridhar		
Drawn	E.Radhika		
Checked	V.Apparao		
Approved	R.Venkateswarlu		
Drg. No.	AA/IRR/1440/ID - 2935	Sheet No.	2 of 5
		Date	

Lakes

Lakes

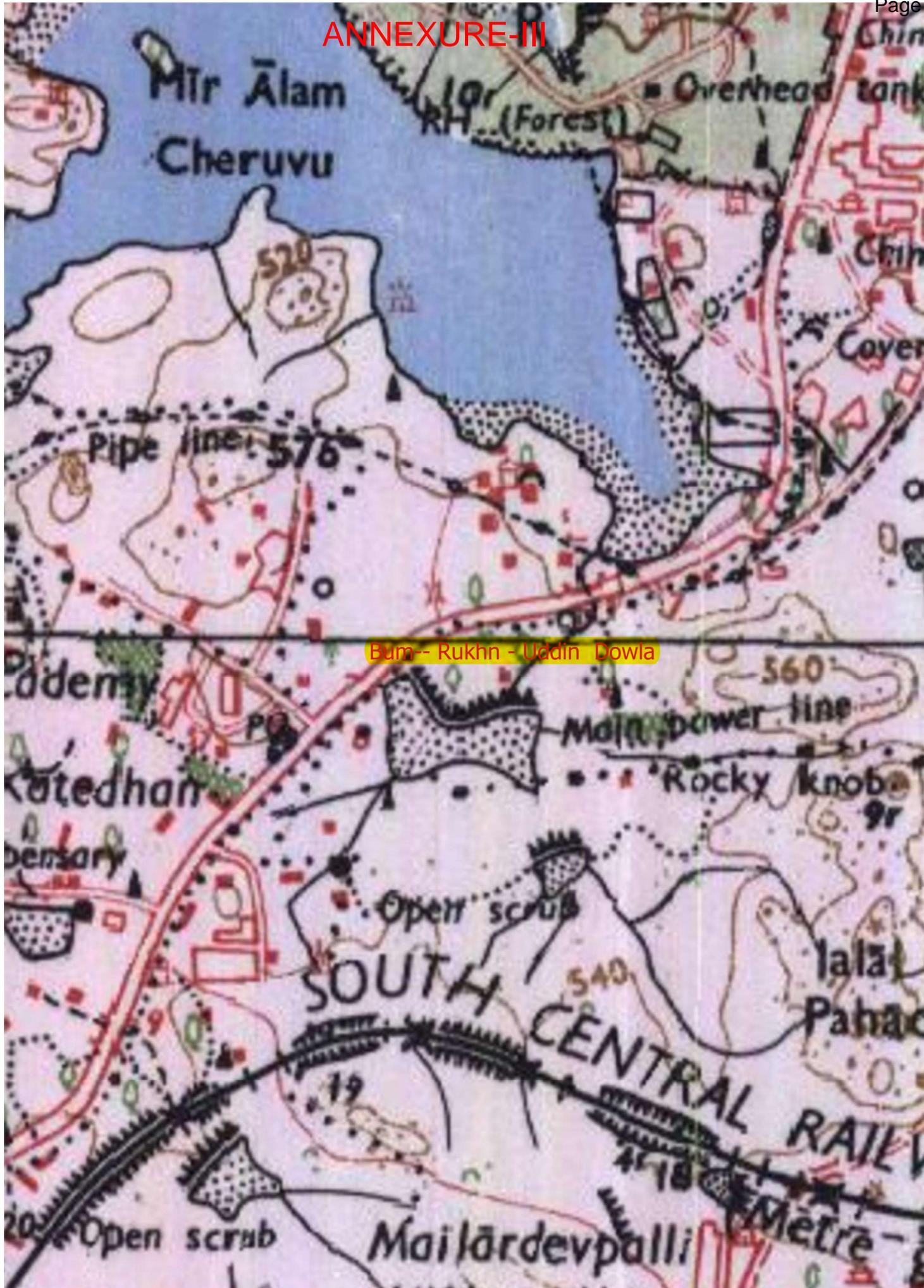
District: Mandal/Circle: Village:

Lake ID: Lake Name: Search

Search

Sno	District	Mandal	Village	Name of the lake	LakeID	Date of Preliminary Notification	Date of Final Notification	FTL	CADASTRAL	Synos & Area Effecting in FTL & BufferZone
1	Rangareddy	Rajendranagar	Mailardev Pally	Palle cheruvu	2951	13-10-2020		Click	Click	
2	Rangareddy	Rajendranagar	BUMRUKNUDOWLA	Bomrukud-Dowla Lake(HUDA Park Lake)	2935	17-10-2017		Click	Click	
3	Rangareddy	Rajendranagar	Upperpally	Pedda Talla Kunta	2950	25-09-2020		Click	Click	
4	Rangareddy	Rajendranagar	Ibrahimbagh	Pedda Cheruvu	2927	07-06-2014		Click	Click	
5	Rangareddy	Rajendranagar	Gagan Pahad	Mamidla Kunta	2931	07-06-2014		Click	Click	
6	Rangareddy	Rajendranagar	Gagan Pahad	Brahman Cheruvu	2930	23-07-2014		Click	Click	
7	Rangareddy	Rajendranagar	Katedhan	Pale Cheruvu	2943	16-10-2014		Click	Click	
8	Rangareddy	Rajendranagar	Katedhan	Suleman Cheruvu	2928	03-12-2014		Click	Click	
9	Rangareddy	Rajendranagar	Katedhan	Marsabai Kunta	2941	17-12-2015		Click	Click	

ANNEXURE-III



Bum-- Rukhn - Uddin Dowla

ANNEXURE-IV





ANNEXURE-V



[2575]

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WEDNESDAY, THE EIGHTH DAY OF AUGUST
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

IA No. 1 OF 2018

IN

WP NO: 28151 OF 2018

Between:

1. M/s.Kishoresons Investments, a partnership firm, having office at 15-9-469/3, Mahboobgunj Road, Siddiamber Bazar, Hyderabad, Rep. by its partner Sri Gautam Chand Jain S/o.late Kishore Chand, aged about 60 years, Occ-Business, R/o.H.No.14-6-88, Chudi Bazar, Hyderabad.
2. M/s.CSK REALTORS LIMITED, a company registered under Companies Act, Office at H.No.5-9-30/1/17A, Ground floor, US Residency, Palace Colony, Lakehill Road, Basheerbagh, Hyderabad, rep. by its Managing Director Rakshit Agarwal S/o.Sri Suresh Kumar Agarwal.

...Petitioners

(Petitioners in WP.No.28151 OF 2018
on the file of High Court)

AND

1. State of Telangana, rep. by its Principal Secretary Irrigation & Command Area Development Department, Secretariat Buildings, Hyderabad.
2. The Chief Engineer, Irrigation and Command Area Development Department, Budha Bhavan, Hyderabad.
3. The Executive Engineer, Irrigation and Command Area Development Department, Ranga Reddy District.
4. The Assistant Executive Engineer, Irrigation and Command Area Development Department, Rajendranagar Division, Ranga Reddy District.

...Respondents

(Respondents in-do-)

Counsel for the Petitioners: MOHD MOIN AHMED QUADRI

Counsel for the Respondents 1 to 4: GP FOR IRRIGATION (TG)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to demolish or interfere with peaceful possession and enjoyment of the petitioner over the land admeasuring of Ac.2-32 gts., under Sy.No.50/2, land admeasuring Ac.1-10 gts., under Sy.No.50/3/A, land admeasuring Ac.3-19 ½ gts., under Sy.No.50/3/AA, and land admeasuring Ac.3-00 gts., under Sy.No.50/3/EE, total admeasuring Ac.10-21 ½ gts., situated at Bomruknuddowla Village, Rajendranagar Mandal, Ranga Reddy District, without following the procedure contemplated under law, pending disposal of the WP No.28151 of 2018, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

Learned Government Pleader for Irrigation takes notice for respondents.

Having regard to the orders dt.13-04-2018 in I.A.No.1 of 2018 in W.P.No.12983 of 2018 and dt.02-04-2018 in I.A.No.1 of 2018 in W.P.No.10161 of 2018 and since it is

alleged that Irrigation Department officials are now trying to dispossess the petitioners from the subject property, there shall be interim direction as prayed for.

**SD/- CH. VENKATESHWAR
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary Irrigation & Command Area Development Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Chief Engineer, Irrigation and Command Area Development Department, Budha Bhavan, Hyderabad.
3. The Executive Engineer, Irrigation and Command Area Development Department, Ranga Reddy District.
4. The Assistant Executive Engineer, Irrigation and Command Area Development Department, Rajendranagar Division, Ranga Reddy District. (RR-1 to 4 by RPAD)
5. One CC to SRI. MOHD MOIN AHMED QUADRI Advocate [OPUC]
6. Two CCs to GP FOR IRRIGATION (TG) ,High Court Of Judicature at Hyderabad. [OUT]
7. One spare copy

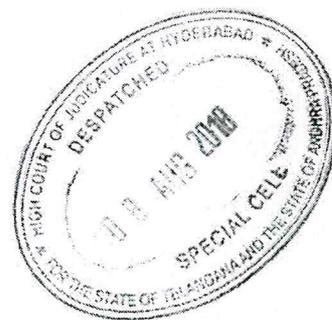
HIGH COURT

MSR,J

DATED: 8.8.2018

I.A.NO.1 OF 2018
IN
WP.NO.28151 OF 2018

INTERIM DIRECTION



✓

[2575]

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

THURSDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND EIGHTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

IA No. 1 OF 2018
IN
WP NO: 28590 OF 2018

Between:

Mohd. Ziauddin Nayar, S/o. Mohd. Fayazuddin,

...Petitioner
(Petitioner in WP.No.28590 OF 2018
on the file of High Court)

AND

1. State of Telangana, rep. by its Principal Secretary, Irrigation & Command Area Development Department, Secretariat Buildings, Hyderabad.
2. The Chief Engineer, Irrigation & Command Area Development Department, Budha Bhavan, Hyderabad.
3. The Assistant Executive Engineer, Irrigation & Command Area Development Department, Rajendranagar Division, Ranga Reddy District.
4. Greater Hyderabad Municipal Corporation, Office at Tankbund Road, Hyderabad, Rep. by its Municipal Commissioner.
5. Greater Hyderabad Municipal Corporation, Circle-VI, at Rajendranagar, Ranga Reddy District, Rep. by its Assistant City Planner.

...Respondents
(Respondents in-do-)

Counsel for the Petitioner: MOHD MOIN AHMED QUADRI
Counsel for the Respondent Nos.1 to 3: GP FOR IRRIGATION (TG)
Counsel for the Respondent Nos.4&5: Sri.N.Ashok Kumar, SC

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to dispossess or interfere with peaceful possession and enjoyment of the petitioner over the land under plot bearing nos.103, admeasuring 525 sq. yards part of land under survey no.50/3/AA, 50/3/AA, 50/3/A, 50/3/EE & 50/2, situated at Bumruknuddowla Village, Rajendranagar Mandal, Ranga Reddy District, without following the procedure contemplated under law, pending disposal of the WP No.28590 of 2018, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

Learned Government Pleader for Irrigation takes notice for respondent Nos.1 to 3. Sri.N.Ashok Kumar, learned counsel, takes notice for respondent Nos.4 and 5.

Since prima facie the subject land appears to be private land having been purchased by the petitioner under registered sale deed dt.29-11-2017, there shall be interim direction as prayed for.

//TRUE COPY//

Sd/- T. RANGA BABU
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

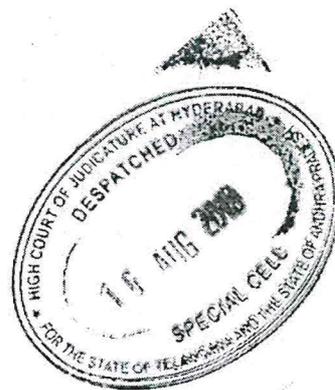
HIGH COURT

MSR,J

DATED: 16.8.2018

I.A.NO.1 OF 2018
IN
WP.NO.28590 OF 2018

INTERIM DIRECTION



-5-

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
for the state of Telangana and the state of Andhra Pradesh

W.P.No. 28151 OF 2018

Between:

1. M/s.Kishoresons Investments
a partnership firm, having office at 15-9-469/3,
Mahboobgunj Road, Siddiamber Bazar, Hyderabad.
Rep. by its partner Sri Gautam Chand Jain
S/o.late Kishore Chand, aged about 60 years, Occ:Business,
R/o.H.No.14-6-88, Chudi Bazar, Hyderabad.

2. M/s.CSK REALTORS LIMITED,
a company registered under Companies Act.
Office at H.No.5-9-30/1/17A, Ground floor,
US Residency, Palace Colony, Lakehill Road,
Basheerbagh, Hyderabad, rep. by its Managing Director
Rakshit Agarwal S/o.Sri Suresh Kumar Agarwal.

...Petitioners

And

1. State of Telangana, rep. by its Principal Secretary
Irrigation & Command Area Development Department,
Secretariat Buildings, Hyderabad.

2. The Chief Engineer
Irrigation & Command Area Development Department,
Budha Bhavan, Hyderabad.

3. The Executive Engineer
Irrigation & Command Area Development Department,
Ranga Reddy District.

4. The Assistant Executive Engineer
Irrigation & Command Area Development Department,
Rajendranagar Division, Ranga Reddy District.

...Respondents

AFFIDAVIT

I, Rakshit Agarwal S/o.Sri Suresh Kumar Agarwal, aged about 24 years,
Occ:Business, R/o. H.No.5-9-30/1/17A, Ground floor, US Residency, Palace Colony,
Lakehill Road, Basheerbagh, Hyderabad, do hereby solemnly and sincerely affirm and
state as follows:

-6-

1. That I am the deponent herein and the Managing Director of the 2nd petitioner in the above writ petition, as such I am well acquainted with the facts of the case. Being the Managing Director of the 2nd petitioner, I am authorized to depose to this affidavit on behalf of 2nd petitioner. The 1st petitioner orally authorized me to depose to this affidavit on behalf of the 1st petitioner, hence

2. It is respectfully submitted that the 1st petitioner is the lawful owner and possessor of the land admeasuring of Ac.2-32 gts., under sy.no.50/2, land admeasuring Ac.1-10 gts., under sy.no.50/3/A, land admeasuring Ac.3-19 ½ gts., under sy.no.50/3/AA, and land admeasuring Ac.3-00 gts., under sy.no.50/3/EE, total admeasuring Ac.10-21 ½ gts., situated at Bomruknuddowla Village, Rajendranagar Mandal, Ranga Reddy District (hereinafter referred to as "the subject lands"), having purchased the same through different registered sale deeds no.3556/2006 dt.17.02.2006, 10436/2005 dt.18.07.2005, 8776/2005 dt.20.06.2005, 9150/2005 dt.28.06.2005 and 1349/2006 dated:21.01.2006. Since then, the 1st petitioner is in actual, continuous peaceful possession and enjoyment of the subject lands without there being any interruption from any corner by paying all the taxes to concerned departments. Prior to that, the predecessors in title were in possession and enjoyment of the same.

3. It is further respectfully submitted that originally, Sri Rai Omkar Prasad was the pattadar and possessor of subject lands including other lands of Bomruknuddowla Village, and his name was also recorded in all concerned revenue records. After his death, the vendors of the 1st petitioner and other family members being the legal representatives of Sri Rai Omkar Prasad acquired the subject lands by virtue of succession. Thereafter, through the deed of family arrangement dated:30.06.1980, the vendors of the 1st petitioner acquired the subject lands towards their share and their names also mutated in all revenue records and pattadars and possessors and they were

- 7 -

also issued pattadar passbooks and title deeds to that effect, and as such are in possession and enjoyment of the same. Subsequently, due to personal and family necessities, they sold the subject lands in favour of the 1st petitioner through different registered sale deeds, and the name of the 1st petitioner also mutated in all revenue records and pattadars and possessors vide proceedings dated:12.12.2007. Thereafter, the 1st petitioner sold the subject lands in favour of the 2nd petitioner through registered agreement of sale no.10074/2017 dated:29.11.2017, as such, the petitioners are in peaceful possession and enjoyment of the same

4. It is respectfully submitted that earlier when the R&B and revenue officials tried to interfere with possession and enjoyment of the 1st petitioner over the subject lands, it constrained to file a writ petition vide WP 12983/2018. This Hon'ble Court by its interim order dated:13.04.2018 granted interim direction not to interfere with possession of the petitioner without following the procedure contemplated under law. Now again on 07.08.2018 without following the due procedure contemplated under law and without assigning any reasons, the officials of the respondents 3 and 4 alongwith police tried to demolish southern side of the boundary wall/fencing surrounding the subject lands and directed the deponent herein not to enter into lands on the ground of encroachment of part of government lands belongs to respondents, but the fact remains since long time, the petitioners are in possession of the subject lands, and survey department also conducted demarcation and fixed boundaries, and the petitioner erected boundary wall/fencing to protect its property, and requested not to interfere without following the due procedure contemplated under law, but they paid deaf ear and proceeded with demolition, but with the timely intervention of the neighbors and local elders they stopped the work and went away, but there is serious threat of demolition at any moment without following due procedure contemplated under law. Hence the present writ petition is being filed.

-8-

5. It is respectfully submitted that the high handed action of the officials of the respondents 2 to 4 in attempting to demolish the boundary wall/fencing surrounding the subject lands by way of interfering with possession and enjoyment of the petitioner without issuing any prior notice and without following the procedure contemplated under law, is illegal, arbitrary, unjust, unconstitutional, violation of principles of natural justice and also in violation of Articles 14, 21 and 300-A of Constitution of India. Unless this Hon'ble Court interferes and directs the respondents not to interfere with peaceful possession and enjoyment of the petitioners without following the procedure contemplated under the law, it would be put to irreparable loss and grave hardship.

6. The petitioners have no other alternative and effective remedy except to approach this Hon'ble High Court by invoking the extraordinary jurisdiction under Art.226 of the Constitution of India. The petitioners have not filed any other writ or suit seeking the same relief as prayed in this writ petition.

7. For the reasons stated supra, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the high handed action of the officials of the respondents in trying to demolish the boundary wall/fencing by way of interfering with peaceful possession and enjoyment of the petitioners over the land admeasuring of Ac.2-32 gts., under sy.no.50/2, land admeasuring Ac.1-10 gts., under sy.no.50/3/A, land admeasuring Ac.3-19 ½ gts., under sy.no.50/3/AA, and land admeasuring Ac.3-00 gts., under sy.no.50/3/EE, total admeasuring Ac.10-21 ½ gts., situated at Bomruknuddowla Village, Rajendranagar Mandal, Ranga Reddy District, without issuing any prior notice to the petitioner and without following the procedure contemplated under law, as illegal, arbitrary, unjust, unconstitutional, in violation of principles of natural justice, and consequently direct the respondents not to demolish or interfere with

-9-

peaceful possession and enjoyment of the petitioners over the subject lands, without following the procedure contemplated under law, and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

8. It is further prayed that this Hon'ble Court may be pleased to direct the respondents not to demolish or interfere with peaceful possession and enjoyment of the petitioners over the land admeasuring of Ac.2-32 gts., under sy.no.50/2, land admeasuring Ac.1-10 gts., under sy.no.50/3/A, land admeasuring Ac.3-19 ½ gts., under sy.no.50/3/AA, and land admeasuring Ac.3-00 gts., under sy.no.50/3/EE, total admeasuring Ac.10-21 ½ gts., situated at Bomruknuddowla Village, Rajendranagar Mandal, Ranga Reddy District, without following the procedure contemplated under law, pending disposal of the writ petition, and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the interest of justice.

Sworn and signed before me
on this the 07th day of August, 2018
at Hyderabad.

Deponent

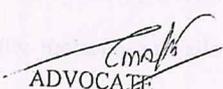
Before me

ADVOCATE :: HYDERABAD

VERIFICATION STATEMENT

I, Rakshit Agarwal, being the Managing Director of the 2nd petitioner herein, do hereby verify and state that the contents of paras (1) to (5) etc., of the Affidavit filed in support of the Writ Petition are true to the information and my personal knowledge, those of paras (6) to (8) etc., are also believed to be correct based on legal advice.

Verified at Hyderabad on this the 07th day of August, 2018.


ADVOCATE

DEPONENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

W.P.NO. 28151 OF 2018

BETWEEN:

1. M/s Kishoresons Investments , a partnership firm,
having office at 15-9-469/3, Mahboobgunj Road,
Siddiamber Bazar , Hyderabad ,Rep. by its partner Sri Gautam Chand Jain
S/o Kishore Chand
Aged about 60 years, Occ: Business,
R/o:H.No. 14-6-88, Chudi Bazar,
Hyderabad-500052.
2. M/s.CSK REALTORS LIMITED , a company registered under
Companies Act, Office at H.No.5-9-30/1/17A,
Ground floor, US Residency, Palace Colony,
Lakehill Road, Basheerbagh,
Hyderabad, rep. by its Managing Director
Rakshit Agarwal
S/o. Sri. Suresh Kumar Agarwal.

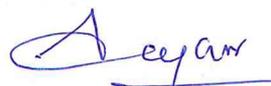
.....Petitioners

AND

1. The State of Telangana,
Rep. by its Principal Secretary Irrigation & Command Area
Development Department, Secretariat Buildings, Hyderabad .
2. The Chief Engineer, Irrigation and Command Area
Development Department , Budha Bhavan,
Hyderabad.
3. The Executive Engineer, Irrigation and Command Area
Development Department, Ranga Reddy District.
4. The Assistant Executive Engineer, Irrigation and Command Area
Development Department, Rajendranagar Division,
Ranga Reddy District.

...Respondents


ATTESTOR
ASST EXECUTIVE ENGINEER
Irrigation & CAD Department
North Tanks Division
HYDERABAD.


DEPONENT
Executive Engineer
Irrigation & CAD Department
North Tanks Division
Hyderabad.

COUNTER AFFIDAVIT FILED BY RESPONDENT No. 3

1. I, A.Narayana, S/o A.Rajaiah, Age: 57 years, Occ: Service, presently working as Executive Engineer, North Tanks Division, Irrigation Department, Budha Bhavan, Hyderabad, do hereby solemnly affirm and sincerely state on oath as follows:
2. I state that I am the Respondent No. 3, herein and as such I am well acquainted with the facts of the case and able to depose as under. The Counter Affidavit deposed hereunder is based on records available. I am also authorized to file counter affidavit on behalf of Respondent No.1 to 4.
3. I state that I have read the Affidavit filed by the petitioner and after understanding the same, I hereby deny the material averments made therein as false, baseless and incorrect except those that are specifically admitted hereunder in counter affidavit.
4. It is to humbly submitted that there are about 185 lakes in GHMC jurisdiction and these lakes were formed for the purpose of impounding storm water initially for Irrigation. In the yester years there was only Irrigation activity in catchment area as well as on downstream bund of the lake. Due to rapid growth of urbanization in the catchment area as well as Command area (downstream of bund) there was an imminent threat to the FTL boundary in most of the lakes in GHMC area in view of the constructions & other solid waste being dumped at the FTL boundary of the lakes.
5. It is further submitted that GHMC has come forward to save maximum number of lakes in Hyderabad city for future generation and had taken-up Restoration & Protective steps, like Chain link mesh fencing to the extent


 ASST. EXECUTIVE ENGINEER
ATTESTOR
 Irrigation & CAD Department
 North Tanks Division
 Hyderabad.


 Executive Engineer
DEPONENT
 Irrigation & CAD Department
 North Tanks Division
 Hyderabad.

of available area, (i.e., wherever the construction were already come up)

activities like strengthening of bund and restoration of inlets & outlets.

6. In reply to Para No's 1 to 3, the allegation does not pertain to this office and as such warrants no reply.
7. In reply to Para No's 4 & 5, The Bum-Rukh-Uddin-Dowla lake is located at 17° 30' 57.5" N 78° 26' 29.77" E situated at Bum-Rukh-Uddin-Dowla (V), Rajendranagar(M) and is spread over 18.575 Acres. The catchment area of the lake is urbanized and is fed by the residential sewerage from the surrounding colonies. The FTL Map and cadastal maps of the Cheruvu were prepared in coordination with Irrigation and Revenue departments and submitted to Commissioner, HMDA for preliminary/ Draft publication to be made available on public domain www.hmda.gov.in and the same was available in public domain from about 4 years earlier that is from 17.10.2017.

The presence of tank is confirmed from existence of irrigation structures like Bund, Sluice and same is also confirmed from the presence of tank in SOI (Survey of India Toposheet) copy of Topo sheet extract is attached for ready reference. However it is learnt from the Revenue department officials that the tank/FTL area is partly covered by Patta lands.

As per the cadastral map prepared by Revenue Department it is observed that parts of Sy.No. 50/1, 50/2, 50/3,50/6 are falling in FTL and Buffer of Bum-Rukh-Uddin-Dowla lake and incidentally part of petitioners plot/building society land are falling in FTL and buffer of the tank. It is to humbly submit that petitioners claim of respondents to not to demolish or to

ATTESTOR

ASST EXECUTIVE ENGINEER
Irrigation & CAD Department
North Tanks Division
HYDERABAD

DEPONENT

Executive Engineer
Irrigation & CAD Dept
North Tanks Division
Hyderabad.

interfere with peaceful possession and enjoyment over the land is false as irrigation department does not have authority for demolition and is only reporting authority. This office also have never interfered nor attempted to dispossess the petitioner from his property.

8. In reply to Para No.6 the allegation does not pertain to this office and as such warrants no reply.
9. In reply to Para No 7 it is to humbly submit that, part of petitioners land is affected by FTL/Buffer of tank and as per G.O.Ms.No.168 of 07.04.2012 is not allowed to take up any structure of permanent nature. Hence, it is requested t hat petitioner may claim compensation from GHMC authorities for the land falling in FTL/ Buffer of tank.

It is therefore prayed that the Hon'ble High Court may be pleased to dismiss the writ petition W.P.No.28151 of 2018 and pass any such other order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice and equity.

Solemnly and sincerely affirmed before
me on this 28th day of January 2022 and signed
In his name in my presence at Hyderabad.



ATTESTOR
ASST EXECUTIVE ENGINEER
Irrigation & CAD Department
North Tanks Division
HYDERABAD.



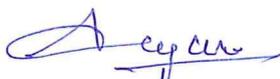
DEPONENT
Executive Engineer
Irrigation & CAD Department
North Tanks Division
Hyderabad.

VERIFICATION

I, A. Narayana, aged 57 years, working as Executive Engineer, Irrigation Department, North Tanks Division, Hyderabad, do hereby verify that the contents of the above Paras are true to the best of my knowledge, belief, information and as per records.

Hence verified on this the 28th day of January 2022 at Hyderabad.

G. P. FOR IRRIGATION & CAD
[Counsel for Respondents]


DEPONENT
Executive Engineer, I & CAD
North Tanks Division
BudhaBhavan, Hyderabad.