

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE, CHENNAI

Original Application No.163 of 2021 (SZ)

IN THE MATTER OF

Tribunal on its own motion Suo-Moto based on the News item published in Telugu Eenadu newspaper, Telangana edition dated 13.07.2021, Under the caption "Indiscriminate Encroachment of tanks and pond in Hyderabad Corporation and other Municipalities.

.... Applicant(s)

Versus

The Principal Secretary to Government of Telangana,
Department of revenue,
Telangana Secretariat, BRK Bhavan,
Tank Band, Basheer Bagh,
Hyderabad, Telangana-500022. And (8) others.

.... Respondents

REPORT FILED BY DISTRICT COLLECTOR, KHAMMAM RESPONDENT-5

I, V.P.Gautham S/o V.Palanichamy Aged about 30 years Occ: District Collector, Khammam of Khammam District do hereby solemnly and sincerely affirm and state on oath as follows:

I am Respondent No.5 in the above OA, as such, I am well acquainted with facts of the case. I have read the order Original Application No.163 of 2021 (SZ).

The National Green Tribunal Chennai has directed this respondent to taken up the case as sum – moto case on the news item Published on dated: 13.07.2021 with regard to "Encroachment of Tanks and Ponds in the Municipalities".

Accordingly this Respondent files the report on the subject matter with regard the following tanks comes under the jurisdiction of Khammam Municipal corporation.

Accordingly, this respondent has obtained FTL Maps, Tank Location sketch and Google Maps in respect of the following (04) tanks coming in the jurisdiction of Khammam Municipal corporation .

1. Lakaram Tank, Khammam
2. Pedda cheruvu Dhamsalapuram
3. Oora Cheruvu Khanapuram
4. Pedda cheruvu Velugumatla

The following is the status of the said tanks:

1.LAKARAM TANK :

Lakaram tank is located in Khammam Municipal Corporation limits. In a part of Mission Kakatiya Programme of Telangana Government , aimed to restore the Irrigation tanks, Lakaram tank was taken up for restoration. During the restoration of Lakaram Tank, under Mission Kakatiya nearly 150 houses removed, which are coming in the development of Lakaram. Now the Lakaram tank was developed as Mini tank Bund. Irrigation department was constructed bund all along the tank and there is no scope for any kind of encroachment in to the tank.

The Municipal Corporation has taken up the measures for the protection of tank duly establishing chain link mesh, plantation around the tank for 2Km perimeter under the Pattana Pragathi Programme.

As of now, total Lakaram tank area was surrounded by bund and there is no scope for encroachment in to tank area.

This Respondent has convened a meeting on 19.01.2022 with the Irrigation, and Revenue Authorities and issued instructions to strengthen the bund.

2. PEDDA CHERUVU, DHAMSALAPURAM :

The PeddaCheruvu, Dhamsalapuram Village situated in the Sy.No:178 consist of a shikam land of Ac.128-14 Gts. The Full Tanks Level (F.T.L) survey has been conducted for the above tank by the Irrigation Department along with Municipal officials & Revenue official's and demarcated the tank boundaries from encroachments. Also as per the instructions of the Collector, Khammam District, an amount of Rs. 10.00 Lakhs was sanctioned by the Commissioner, KMC in feb 2021 for the construction of the boundary pillars. All ateps have been taken for safeguard the tank and there are no encroachments in the tank area.

This Respondent has convened a meeting on 19.01.2022 with the Irrigation, Municipal and Revenue Authorities and issued instructions not to change the status of the tank, and remove any changes made over the tank with out the permission of competent authorities.

3 OORA CHERUVU, KHANAPURAM :

OoraCheruvu, Khanapuram situated in the Sy.No:13 consist of a shikam land of Ac.75-23 Gts. On 06.07.2021, The full tank Level (F.T.L) , survey has been conducted for the above tank by the Irrigation Department along with Municipal Officials & Revenue Officials and demarcated the tank boundaries from encroachments. As per the instructions of the Collector, Khammam District, an amount of Rs. 10.00 Lakhs was sanctioned by the Commissioner, KMC in feb 2021 for the construction of the boundary pillars . Action has been taken to remove the (35) encroachers identified in the tank area.

Further, The Chief Engineer, Irrigation , khammam submitted that The Superintending Engineer, Irrigation Circle, Sathupally has reported that "Irrigation work" includes all kuntas, reservoirs, tanks, anicuts, canals, their distributaries, channels, and sluices constructed, maintained or controlled wholly or partly by or with the consent of the Government for the supply, conveyance or storage of water; and all construction works, embankment, structures, supply and escape channels, connected with the aforesaid water reservoirs, tanks, anicuts, canals, and their distributaries, pipes and sluices and all roads constructed for the purpose of facilitating the construction or maintenance of the said sources water and also all drainage works and flood embankments etc.

In this regard it is submitted that this Respondent No.5 has held a conveyance meeting on 09.07.2021, and formed a "Task Force Committee" with conglomeration of Revenue, Irrigation, Municipal and Police Department headed by Additional Collector, Khammam Dist. has been formed for identification of illegal encroachments within water bodies i.e Canals, Tanks, Vagus, Nala etc.

In pursuance of it the Chief Engineer, Irrigation, Khammam reported that the Irrigation officials have taken-up survey for identification of un-authorized structures constructed within the F.T.L (Full Tank Level) and Buffer zone (30 meters from the F.T.L of tank) and identified 35 No's of structures and notices have been issued to all the residents of the identified structures. The same has been reported to the Irrigation higher authorities, Revenue authorities and Municipal authorities for taking further necessary action.

The Superintending Engineer has also informed that, the field staff has been maintaining regular surveillance over the tanks in the urban jurisdiction, which are epicenter and prone to illegal encroachments and formation of un-authorized lay-outs and structures due to rapid urbanization in Khammam town.

With regard to the facilities established in Lakaram Tank the Municipal Commissioner, Khammam Municipal Corporation vide Lr.No. KMC TPC G1/MPP/4/2021-TPS2 KMC that the Irrigation Department has constructed Tank Bund at Lakaram Tank under Mission Kakatiya, Khammam Municipal Corporation looks after the day to day maintainance of Lakaram Tank bund.

The Municipal Commissioner, Khammam Municipal Corporation has also undertaken protective measures in Mini Lakaram tank including establishment of chain link mesh and plantation of around approximately 2 Km perimeter under Pasttana Pragathi programme. Municipal Corporation has also undertaken bund protection of Khanapuram tank with chain link mesh , plantation and fixing of FTL stones along 700 mts of bund portion.

The Municipal Corporation has protecting the bund with fencing through out the length of bund to avoid the encroachments in the land belongs to above tanks. When ever complaints regarding encroachments are received by this office immediate action is being taken as per new Municipal Act of 2019. 2 Disaster response teams have been constitutes and are playing active role in removal of encroachments in the surrounding of water bodies. Revcently one complaint on dt.07.07.2021 lodged in the police station against the encroacher (2 persons) who have taken up formation of road in the Khanapuram tank and the Civil work commenced was also removed using machinery. Multi department enforcement teams were formed including representatives of R&B, irrigation, town planning and other line departments.

The Municipal Corporation is being undertaken joint survey along with the Irrigation and Revenue Department regarding fixation of FTL and buffer Zones of above mentioned lakes, Maps along with geo co-ordinates are prepared enabling informd

decision making by this office while issuing building permissions. Fixation of FTL stones is completed on one side of Khanapuram tank (Facing Yellandu main road) similar exercise of fixation of boundary stones marking FTL is under process in association with irrigation department.

This Respondent has convened a meeting on 19.01.2022 with the C.E irrigation, Khammam, AD S&LR, Khammam, Tahsildar, Khammam(Urban) and issued instructions to erect FTL stones in the distance of 1 mtr of the tank .

Pedda Cheruvu , Velugumatla

Pedda cheruvu , Velugumatla village situated in the Sy.No.565, consist of shikam land of Acs.164.22 Gts. The Full tank level (F.T.L) survey has been conducted for the above tank by the Irrigation Department along with Municipal Officials and Revenue Officials and demarcated the tank boundaries to protect from encroachments. An estimation has been prepared by the Irrigation Department for an amount of Rs.10.00 Lakhs and submitted to the Municipal Commissioner, KMC for administrative accord of the F.T.L boundary pillars.

The report of the Chief Engineer, Irrigation, Khammam reveals the details of (05) tanks. As the present OA is with regard to the encroachment of tanks in Municipal areas. As such his report is confined to the following (04) tanks situated in the Municipal limits .

The District Administration has constituted a task force committee to protect the above tanks and to avoid the encroachments. The Committee is monitoring the (5) tanks in the limits of Khammam Municipal corporation and its protection with all the departments concerned and monitoring safety of these tanks. This respondent is reviewing their work from time to time.

This Respondent has convened a meeting on 19.01.2022 with the Irrigation, Municipal and Revenue authorities and issued instructions to fence the bund area , plant greenery along with fencing .

ACTION TAKEN BY THE KHAMMAM MUNICIPAL CORPORATION FOR PROTECTION OF THE ABOVE TANKS.

As per the report the Municipal Commissioner, Khammam Letter No.KMC/TPS/GT/ET/01 dated -09-2021, and stated that the irrigation department has constructed Tank Bund at Lakaram tank under Mission Kakatiya. The Khammam Municipal corporation looks after the day to day maintenance of Lakaram tank bund including maintenance of bund, plantation, play items , open gyms, musical fountain street vending zone etc. , Khammam Municipal Corporation has also undertaken protective measures in Mini Lakaram Tank including establishment of chain link mesh and plantation of around approximately 2 Km perimeter under Pattana pragathi programme. Now the Lakaram tank was developed as Mini Tank Bund. Irrigation department was constructed bund all along the tank and there is no scope for any kind of encroachments in to the tank.

The Municipal Corporation has also undertaken bund for protection of Oora Cheruvu , Khanapuram tank with chain link mesh , plantation and fixing of FTL stones along 700 m of bund portion. The Municipal Corporation has protected the bund with fencing through out the length of bund to avoid the encroachments in the land belongs to above tanks. When ever complaints regarding encroachments are received the

Municipal authorities are taking immediate action as per Municipal Act of 2019. Further (2) Disaster Response teams have been constituted and are playing active role in removal of encroachments in the surrounding of water bodies.

Recently the Municipal authorities has lodged one complaint on 07.07.2021 in the police station against the encroachers (02) persons who have taken up formation road in the Khanapuram tank FTL and the civil work commenced was also removed using machinery, and also a joint survey is being undertaken along with irrigation and Revenue department regarding fixation of FTL and buffer zones of the above mentioned lakes. The Maps along with geo coordinates are prepared enabling informed decision making by this office while issuing building permissions. Fixation of FTL stones is completed on one side of Khanapuram tank (facing Yellandu main road). Similar exercise of fixation of boundary stones marking FTL is under process in association with irrigation department. The Municipal Commissioner received the FTL boundary KML files of Oora Cheruvu, Khanapuram tank, Lakaram tank and Pedda cheruvu, Dhamsalapuram tanks from the irrigation department on 08.09.2021 and as such the Municipal authorities had conducted inspection of Oora cheruvu, Khanapuram tank and identified that around (20) structures have come up in the FTL in Lakaram tank (18-encroachments have been identified as per the report of AD (S&LR), Khammam. Notices have issued to the owners of the structures calling for building permission documents and ownership documents.

The Superintending Engineer has also informed that, the field staff has been maintaining regular surveillance over the tanks in the urban jurisdiction, which are epicenter and prone to illegal encroachments and formation of un-authorized lay-outs and structures due to rapid urbanization in Khammam town.

Municipal Commissioner, Khammam submitted that after receipt of documents, action will be initiated against them as per Telangana Municipal Act 2019. No encroachments were identified within the FTL of Pedda Cheruvu, Dhamsalapuram and Pedda Cheruvu, Velugumatla.

The Khammam Municipal Corporation has taken steps to avoid any further encroachments by constructing FTL pillars on the tanks. Already FTL pillars were constructed on one side of Oora Cheruvu, Khanapuram tank and work is being done for the remaining sides, also work has been sanctioned to construct FTL pillars for Pedda Cheruvu, Dhamsalapuram Tank. These FTL pillars ensure identification and to stop any further encroachments in FTL and buffer areas of the tanks.

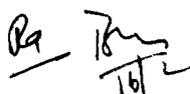
The FTL Maps, Tank Location sketch and Google Maps in respect of the following (04) tanks coming in the jurisdiction of Khammam Municipal corporation are submitted here with for perusal of the Hon'ble Green Tribunal, Chennai.

1. Lakaram Tank, Khanapuram
2. Pedda Cheruvu Dhamsalapuram
3. Oora Cheruvu Khanapuram
4. Pedda cheruvu Velugumatla

The above facts are submitted for kind perusal of Hon'ble Green Tribunal.

Dated this the 16th day of Feb 2022.


DEPONENT
(District Collector, Khammam
Respondent No.5)


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