

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No.163 of 2021 (SZ)

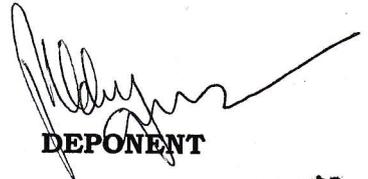
IN THE MATTER OF

Tribunal on its own motion Suo-Motu 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

1. The Principal Secretary to Government of Telagana,
Department of Revenue,
Telangana Secretariat, BRK Bhavan.
Tank Bund, Basheer Bagh,
Hyderabad, Telangana - 500 022.
2. The Special Chief Secretary to Govt. of Telangana,
Department of Irrigation & Command Area Development,
Telangana Secretariat, BRK Bhavan,
Tank Bund, Basheer Bagh,
Hyderabad, Telangana -500 022.
3. The District Collector
Hyderabad District,
District Collectorate,
Nampally, 5-8-505,
Chirag Ali Lane, Abids,
Hyderabad, Telangana - 500 001.
4. The Distract Collector
Warangal District,
District Collectorate,
Warangal, Telangana - 506 001.
5. The District Collector
Khammam District,
District Collectorate,
Khammam, Telangana- 507 002.
6. The District Collector
Mahabubnagar District,
District Collectorate,
Collectorate Complex, Mahabubnagar
Telangana - 509 001.
7. Greater Hyderabad Municipal Corporation,
Rep. By its Municipal Commissioner.
CC Complex, Tank Bund Road,
Hyderabad - 500 063.


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8. Hyderabad Metropolitan Development Authority,
Rep., by its Metropolitan Commissioner,
Tarnaka, Hyderabad, Telangana State
9. Lake protection Committee,
Rep. By its Member Convener,
Member Environment,
Buddha Poornima Project,
Tank Bund Road, Hyderabad,
Telangana State.

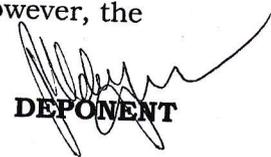
(Suo-Motu impleaded as additional respondents 8 and (As per order dated 30.07.2021)

...Respondents

COUNTER AFFIDAVIT FILED BY RESPONDENT NO.6

I P. Uday Kumar, Collector & District Magistrate, Nagarkurnool do hereby solemnly affirm and sincerely state on oath as follows;

1. I humbly state that I am the 6th respondent herein and that I am well acquainted with the facts and circumstances of the case and upon verification of records and I am able to depose as under.
2. I humbly state that I have gone through the Original Application No.163 of 2021(SZ) Hon'ble NGT, Southern Zone, Chennai, 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 and I hereby deny all the allegations/averments made therein, except those that are specially admitted hereunder.
3. It is humbly submitted that in order to ascertain the genuineness of the allegations made the Hon'ble National Green Tribunal, Chennai have appointed a Joint Committee on 06.10.2020 comprising of 1)The District Collector, Nagarkurnool District, 2)Superintending Engineer of Irrigation Department having jurisdiction over the area 3)Senior Officer from the Telangana Lake Protection Committee 4)Senior Officer from Telangana Pollution Control Board as deputed by its chairman to inspect the area in question and submit a factual as well as action taken report to the Hon'ble NGT which is under function.
4. The said committee inspected the Kesari Samudram situated within the limits of Municipality, Nagarkurnool and found (41) encroachments took place in the FTL+Bufferzone. Hence Municipal Commissioner, Nagarkurnool issued notices for eviction of encroachments under Kesarisamudram Tank. However, the


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encroachers raised an objections that, Irrigation authorities conducted survey without issuing notices to them and they will abide for the survey report if survey has been taken up duly issuing notices to all the concerned as per rules.

Therefore, in order to avoid legal repercussions survey was conducted again from 12.08.2021 to 14.08.2021 with the official of Irrigation, Revenue, Survey & Land Records and Municipal Department duly issuing notices to all concerned and also by issuing a general notice to the public by the Revenue Divisional Officer, Nagarkurnool. In the said survey certain objections were received and those objections are being disposed off by Executive Engineer, I&CAD Department, Nagarkurnool giving necessary endorsement to the objectors and survey report will be furnished to the Municipal Commissioner, Nagarkurnool to take up eviction of encroachments. As per the survey report 41 encroachments are falling under FTL/Buffer Zone and issued notifications by marking of the particular lands as FTL/Buffer Zone with land Co-Ordinates vide District Gazette Notification No. 195/1, dated 25.10.2021.

5. Further it is humbly submit that the District Task Force (DTF) Team (Enforcement Squad), Nagarkurnool Municipality taken action on encroachments by following due course of law and Hon'ble Court Orders thereon if any in the same matter. So far 11 encroachments are removed out of Forty-One (41) encroachments. As on date 24 Writ Petitions filed by encroachers in Hon'ble High court of Telangana. So far 15 Writ Petitions were disposed in Hon'ble High court of Telangana. The encroachers are approaching different courts for avoiding action by the District Task Force (DTF) Team. The District Administration is filling the Counter and getting the necessary orders from the Hon'ble Courts to safeguard the Kesarisamudram Water Body. Further District Task Force (DTF) Team (Enforcement Squad), Nagarkurnool Municipality is taking continuous actions on encroachments as per rules in force.
6. Further action will be taken to remove the rest of encroachments in due course of time as per rules in force to save the Kesarisamudram Water Body.

Sworn and signed before me on this
30th Day of July, 2022 at Nagarkurnool.


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