

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE, CHENNAI

Original Application No. 163 of 2021 (SZ)

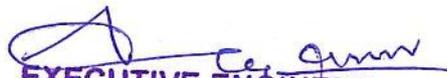
(Through Video Conference)

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.

Versus

1. The Principal Secretary to Government of Telangana,
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 District Collector
Warangal District,
District Collectorate,
Warangal, Telangana- 506 001.
5. The District Collector
Khammam District,
District Collectorate,
Khammam, Telangana- 507 002.


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6. The Distract 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.
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 9 (As per order dt.
30.07.2021)

...Respondents

COUNTER AFFIDAVIT FILED BY RESPONDENT No.7

I, A.Narayana, S/o Rajaiah, aged 57 years, presently working as Executive Engineer, North Tanks Division, HL & WBM Circle, GHMC, Hyderabad, do hereby solemnly affirm and sincerely state as follows:

1. I state that I am the 7th 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.


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2. I state that I am working as Executive Engineer in the North Tanks Division, GHMC, the 7th Respondent herein and I have been authorized to file this affidavit on behalf of the 7th Respondent.
3. I submit that I have gone through the Original Application No.163/2021 of the 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 wish to clarify the following for the consideration of this Hon'ble NGT.
4. It is humbly submitted that as per the directions of the Hon'ble Lokayuktha and Hon'ble High Court of A.P, the State Government had constituted the Lake Protection Committee (LPC) for protection and maintenance of lakes within Greater Hyderabad Municipal Corporation (GHMC) & Hyderabad Municipal Urban Development Authority (HMDA) jurisdiction which covers the 5 districts of Telangana state vide G.O.Ms.No.157 of MA&UD Dept, Dt. 06.04.2010.
5. Further it is humbly submitted that while constituting the Lake Protection Committee (LPC), the Government described the functions of Lake Protection Committee (LPC) vide para 8 of G.O., stating that "Identification of lakes within GHMC & HMDA area, to clearly demarcate the lakes up to FTL, preparation of action plan & implementation of de-silting, cleaning inflow channels and maintenance of lakes, removal of existing encroachments within the FTL boundary areas & protection of lakes from future encroachments by raising bunds all along the FTL boundary and also by arranging watch & ward security personnel to protect the lake environment".


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6. It is also humbly submitted that from time to time, the Lake Protection Committee (LPC) had conducted meetings with all technical engineers for clear demarcation of FTL boundaries of lakes as per the guidelines.
7. It is humbly submitted that the process of identification of lakes/sources and the demarcation of FTL boundaries were taken-up in the year 2013 as per guidelines. Further it is submitted that, there are stages of notification of FTL boundaries of lakes by Lake Protection Committee (LPC). i.e., Preliminary notification and Final Notification.
8. It is respectfully submitted that after conducting the field FTL survey by the Irrigation Department, the draft FTL boundary maps of lakes was submitted to the Lake Protection Committee, HMDA, In turn Lake Protection Committee (LPC) issued preliminary notification on HMDA website to the general public domain for calling any objections / suggestions on draft FTL boundary maps. Further the final notification of FTL boundary maps are also taken up by reconciliation of revenue records of respective village along with a statement of extent of area falling in each survey numbers within the FTL and Buffer zones and after certification of CADASTRAL Map by concerned Tahsildar, RDO and District Collector, the final notification proposals is being submitted to the Lake Protection Committee (LPC), HMDA for issuing final notification in general public domain and issuing Gazette.
9. It is respectfully submitted that as per the above mentioned notification procedure the process of FTL boundary survey demarcations of lakes within GHMC were taken up in the year 2013. It is submitted that the Lake Protection Committee has identified 185 lakes within GHMC jurisdiction in the year 2013 and taken up for determination of FTL boundaries of lakes by the irrigation department. In which Hyderabad District-29 tanks, Medchal-


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Malkajgiri District-57 tanks, Rangareddy-89 tanks and Sangareddy-10 tanks were covered within GHMC limits.

10. It is respectfully submitted that all the 185 tanks were surveyed within GHMC limits and demarcated the FTL boundaries and also prepared the FTL boundary maps. The same were submitted to the Lake Protection Committee (LPC) for issuing preliminary notification on HMDA website. The Lake protection committee has issued preliminary notification in respect of 157 lakes within GHMC limits through various notifications from Dt.14.02.2014 to till date and remaining 28 lakes have to be issued preliminary notification.
11. It is humbly submitted that about 52 lakes are issued final notification on HMDA website and the remaining 98 tanks are being prepared by concerned Tahsildars for onward submission to Lake Protection Committee (LPC), HMDA through concerned District Collector.
12. It is humbly submitted that there are some encroachments exist within FTL & Buffer zone limits before demarcation of FTL boundaries of lakes within GHMC limits which are enumerated as detailed under

Within FTL area	Within Buffer zone area
8718	5343

To protect the residual area of Lake Boundaries within GHMC limits, a budget of Rs.94.17 Crores for erecting chain link mesh fencing around 63 numbers of lakes on top priority basis. Accordingly the lake boundaries are protected with chain link mesh fencing. Further it is humbly submitted that the balance lakes are protecting by deploying the Lake Protection Force (LPF) for watch & ward the lake boundary and also being installed CC cameras at


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most of the lakes entry and exit points. If any new encroachments found within FTL & Buffer zones the GHMC along with Revenue, Irrigation and Police Department have initiated steps for demolition of such encroachments to reclaim and protect the FTL and its Buffer zones.

13. It is humbly submitted that the Government also taking steps to reclaim the existing lands and encroachments within FTL and Buffer zones before FTL demarcation so as to protect and go ahead the restoration & development of urban lakes and creating reasonably compensate the land losers and to create demand for **Transfer of Development Rights (TDR) POLICY** and thereby encourage the property owners to voluntarily come forward for surrendering on free of cost to local bodies, Government after careful examination issued a G.O.Ms.No. 330, MA& UD Dept., Dt.28.12.2017., for promoting and utilization of Transfer of Development Rights (TDR) for Conservation of and development of lakes /water bodies /Nalas foreshore & Recreational buffer development with greenery etc equivalent to 200% of such recreational buffer area developed at his cost.
14. Further it is humbly submitted that during the execution of lake protection works, some of the private pattadars / landlords are objecting the lake development works and approaching various courts and obtained status quo / not to interfere orders by claiming patta lands within FTL/ Buffer Zone limits. Due to this interim orders some of the lakes boundary fencing works are held-up.
15. Further it is humbly submitted that the Government also taking steps to protect the lakes from pollution, by diverting all sewerage entry from lakes, treating of sewage water with Sewerage Treatment Plants (STP) and being cleaned the lakes by removal of weed and other floating matter time to time and being protected the lake environment.


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16. Further it is humbly submitted that the Government also taking measures for improvement and remodeling of existing storm water drainage system within GHMC limits and sanctioned for Rs. 858.00 Crores under Strategic Nala Development Programme (SNDP) vide G.O.Rt. 286 MA&UD (GHMC-II) Department Dt. 06.04.2021 and these works are under progress.

17. Further it is humbly submitted that the Government is giving top priority for protection of water bodies and is taking active steps for protection of lakes.

It is further humbly submitted that the averments made in news item published in Eenadu new daily has no source of information except own assumptions made there without any verification of facts.

Therefore, in view of the facts and circumstances stated above, the Hon'ble Court may be pleased to pass appropriate orders to the facts and circumstances of the case and thus render Justice

Dated at Hyderabad on this the 22nd day of March, 2022.

7th Respondent


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