

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

Original Application No. 17 of 2022

IN THE MATTER OF:
Permandlla Kiran Kumar

...Applicant

VS

The State of Telangana Rep. By Its Secretary Public

...Respondents

INDEX TO REPLY FILED BY THE 7TH RESPONDENT (HMDA)

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Chennai
26.02.2024



Counsel for the 7th Respondent

File No.NGT-OA.No.17/2022/EZ/CA Unit/ Plq/HMDA/22

Date:17.02.2024

**A Formal Report in respect of OA No.17 of 2022 filed by Sri Premandla
Kiran Kumar, against the state of Telangana.**

1. The Original Application No.17/2022 was filed before the Hon'ble NGT, Chennai by Premandlla Kiran Kumar, Gajularamaram Village, Shapur Nagar, Jeedimetla, Quthbullapur Mandal, Medchal-Malkajgiri District regarding encroachment into the water bodies and the Forest land by the Real Estate Developers.
2. The Hon'ble Tribunal passed order on dt.11.02.2022 that, "to ascertain the genuineness of the allegations made in the application, appointed a Joint Committee Comprising of (6) Members/ Authorities i.e
 - (1) The District Collector, Medchal-Malkajgiri District.
 - (2) The District Forest officer of concerned Forest Division.
 - (3) Hyderabad Metropolitan Development Authority (HMDA), Hyderabad, Telangana State.
 - (4) Hyderabad Lakes and Water Bodies Management Circle, Hyderabad.
 - (5) Greater Hyderabad Municipal Corporation (GHMC), Hyderabad and
 - (6) A Senior Officer from Telangana State Control Board (TSPCB)
3. And Directed the Committee to ascertain the following facts and submit the reports to this tribunal on or before dt.31.03.2022.
 - i. ***Whether there was an encroachment into the forest land by the Respondents No.13 to 15 and if so, what is the extent of forest land and what is the nature of action taken.***
 - ii. ***Whether any permission was obtained from the Forest Department for this purpose by the respondents No.13 to 15.***
 - iii. ***Whether there was any encroachment into the water bodies including Nallas as entered in the original Revenue records and if there is any encroachment made by them what is the extent of encroachment and if so, what is the nature of action taken against them.***
 - iv. ***Whether necessary permissions/ clearances have been obtained by the respondents No.13 to 15 for carrying out their development activities.***
 - v. ***To ascertain as to whether the nature of the land and the original survey numbers of the area claimed to be the land of to the alleged developers after conducting proper survey on the basis of the original revenue records.***
 - vi. ***To ascertain as to why manipulation has been done in the survey number to convert the forest land, water bodies into private lands and if so, what is the nature of action taken.***
 - vii. ***if any violations are found on account of the violation whether any damage has been caused to the Environment, then the***

Committee is directed to assess the Environmental Compensation including the cost required for restoration of the damage caused to the environment including the restoration of water bodies and Nallas, if they are encroached.

viii. The Hyderabad Metropolitan Development Authority (HMDA), Hyderabad will be the Nodal Agency for co-ordination and for providing necessary Logistics for this purpose.

4. In pursuance of the Hon'ble NGT orders dt.11.02.2022, the HMDA being a Nodal Agency through Lr.No.NGT-OA.No.17/2022/EZ/CAUnit/HMDA/2022 dt.25.03.2022, informed the members of the Joint Committee proposing to have the Joint inspection of the subject land / area on dt.23.03.2022 at 11:00 AM and requested the Committee members to depute the Senior officers with relevant records.
5. Accordingly, the Joint Committee conducted Inspection on 29.03.2022 at 11:00 AM of Forest area and NALA area of the subject land and the Committee decided to conduct a Survey by the Assistant Director, Survey and Land Records along with Forest and Revenue Officials to demarcate the Forest area.
6. Further, Assistant Director, Survey & Land Records, Medchal-Malkajgiri District vide Proc No.A2/406/2022 dt.29.03.2022 issued Orders, and deputed the survey team consisting of (1)Smt.S.Sunitha, Surveyor; (2) Sri A.Srinath Surveyor; (3) Sri K.Vinay Kumar Dy.Surveyor with a direction to conduct the detail survey of land bearing Sy No.19 of Gajulramaram Village, and Sri J.Buchaiah, Dy.Inspector of Survey directed to supervise the above said team and submit the detail report within (5) days.
7. The DFO, Medchal submitted remarks vide RC No.32/2022/D dt.29.03.2022. wherein informed that, there are boundary disputes at several places even two court cases are filed in the Hon'ble High Court for the State of Telangana vide WP No.4741/2020 and 11082/2021 which are pending. There are also encroachments into the forest land, waiting for fixing of the boundary of the Forest Block in Sy No.19 by the Revenue/Survey Department, made several requests and during the Joint inspection also requested to fix the boundary of the forest land in the Sy No.19 on priority. And also informed that, No permission were given by the Forest Department to anybody for the above purpose. Once the Survey of Forest Block in Sy No.19 done by the Revenue Department/Survey department the actual fact will be known. However the Forest Department is protecting the Forest Land of Gajularamaram Block and any further attempt of encroachment is being dealt of the Acts and Rules.

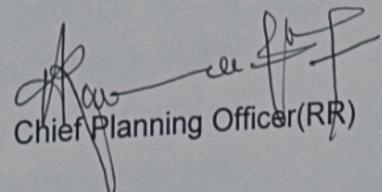
8. Subsequent to the above, a review meeting conducted by the Joint Committee on dt.20.04.2022 and 27.04.2022 on the site under reference and discussed certain points and after verification of Nala on the site, it was decided to enumerate the encroachments on the Nala along with the Sketch and instructed the E.E. Irrigation & GHMC Officials to submit the compliance report by dt.29.04.2022 to the Nodal Agency.
9. Accordingly, Joint Inspections and review meeting were conducted by the Nodal Agency from time to time and the concerned Department / Respondents submitted their report respectively.
10. Finally came to the conclusion and the following compliance report communicated to the Standing Counsel for NGT through mail dt.28.11.2022 to submit the same before the Hon'ble NGT.
 - a. It is to submit that, there is no clarity in survey number boundaries between Revenue & Forest Departments. For the Total Survey Number is a Government Land handed over to Forest Department declaring as Reserve Forest. There is no tippons and Sethwar for Sy No.19 as it is a Govt. Land. Hence there was a problem in fixing the boundary of the Sy No.19 and encroachments identification by the AD,S&LR & Forest Department based on the available tippons of the adjacent Survey numbers. As the boundary of Sy No.19 will be finalised after the Survey of Regional Deputy Director of Survey and Land Records.
 - b. There is a discrepancy in the Forest area as per the reports of ADSLR and Forest Department, the encroachment took place in forest land East side Ac.6-21 Gts approx. surrounded by adjacent Sy Nos.70, 89, 92, 93, 98. South Side Ac.1-17 Gts approx surrounded by adjacent Sy No.15, West Side Ac.3-28Gts approx surrounded by adjacent Sy Nos.396, 397, 398 thus total adm. Ac.11-26 Gts approx. Further the Channels is diverted as per the plotting which is contrary to natural flow and another Nala was not encroached in someplaces. Where the developments not taken and developed areas totally encroached by the Houses.
 - c. The GHMC has issued Notices to the encroachers/ Individual Property owners to submit their respective explanations along with the documentary evidences, after receiving the same GHMC will take necessary action in the matter.

d. The Width of the outlet and Nala/canal of the sluice gate to be protected for maximum flow and the Sewarage entering into the Pedda Cheruvu should be restricted / diverted treated to protect the quality of the lake water.

11. It is to submit that, as per the Hon'ble NGT order dt.11.02.2022, the HMDA scrupulously followed the instructions and act as Nodel Agency and duly coordinating with the concerned Departments / respondents submitted comprehensive report before the Hon'ble NGT.
12. Further, it is to submit that, the land in question is falling under the Jurisdiction GHMC and HMDA is not the competent authority to take action against the illegal constructions and encroachments which comes under the jurisdiction of GHMC. Since all the Development Control Powers vested with HMDA have already delegated to the Commissioner, Greater Hyderabad Municipal Corporation vide Lr.No.15048/HMDA/2008, dt.17.01.2009 to exercise all Development Control Powers conferred U/s. 52(1) of the HMDA Act, 2008 and to exercise the powers U/s.18, 19 & 20 and also U/s. 23 of the Act relevant to, all the residential, commercial, industrial etc., of building permission, all layouts viz., group housing, gated community etc., all NOCs' required by the statutory authorities, enforcement of powers i.e., monitoring & detecting of developmental activity contrary to the master plan / zonal developmental plan, zonal regulations, building rules & regulations and the service of enforcement notices and taking steps in connection with them, shall be exercised by the Commissioner, GHMC.
13. Hence this reply.

Sd/-
Director Planning-I,
HMDA

//t.c.f.b.o//


Chief Planning Officer(RR)