

**REPORT OF THE COLLECTOR AND DISTRICT MAGISTRATE,
NAGARKURNOOL AS PER THE ORDERS OF HON'BLE NATIONAL GREEN
TRIBUNAL, SOUTHERN ZONE, CHENNAI IN ORIGINAL APPLICATION
NO.182 OF 2020(SZ), DATED 22.04.2022.**

1. It is submitted that pursuant to the directions of this Hon'ble Tribunal, the Joint Committee constituted vide Government Memo No. 10150/MI/A2/2020-2, dated 18.11.2020 has submitted its Third report on 15.11.2021 stating that the survey was conducted again from 12.08.2021 to 14.08.2021 duly issuing notices to all the concerned by Revenue Divisional Officer, Nagarkurnool vide Notice dated 30.07.2021 and also issuing a general notice. The District Gazette Notification No.195/1, dated 25.10.2021 was published by issuing marking the particulars as Full Tank Level with land Co-Ordinates by the Collector and District Magistrate, Nagarkurnool and identify the 41 illegal encroachments in to the water body as per the act for changing the nature of land.
2. The Municipal Commissioner, Nagarkurnool given the Intimation and issued Notices U/s 174 (4) & U/s 178 (2) & (8) of Telangana Municipality Act 2019, to the 41 encroachers for changing the nature of land and eviction vide No. G/1116/NGKL/2020, dated 07.10.2021 under Kesarisamudram tank.
3. The District Task Force (DTF) Team (Enforcement Squad), Nagarkurnool Municipality from date 15.11.2021 started initiating enforcement action on encroachments by following due procedure laid under law and Hon'ble Court Orders thereon if any in the same matter.
4. Further, as per the directions of Hon'ble Tribunal, date 22.04.2022 I inspected on 16.05.2022 and no damage has been observed to the Kesarisamudram Tank Bund. Under Pattana Pragathi Program this said bund has been modernised and converted into "Mini Tank Bund" with Electrical Lightings, Park, Open Gym etc., for convince of General Public. The Municipal Commissioner, Nagarkurnool vide Letter No.G1/32/2022, date 17.05.2022 stating that Enforcement Squad, Nagarkurnool Municipality is taking continuous actions on encroachments as per rules in force. In order to avoid Enforcement action on encroachments several

encroachers approached to the Hon'ble High Court, Hyderabad and Civil Court, Nagarkurnool. As on date there are 22 Writ Petitions were filed by the encroachers in Hon'ble High Court, Hyderabad and One OS Civil Court, Nagarkurnool. Recently one W.A.No.63/2022 filed by M.Pandurangaiah R/o H.No.144, Yendbetla Village, Nagarkurnool against the orders dated 07.12.2021 passed in W.P.No.31295/2021 by the Hon'ble High Court, Telangana. Again the Hon'ble High Court, Hyderabad disposed the W.A. on 24.02.2022 with on observation " The enquiry reveals that the Writ Petitioners house falls under FTL and Buffer Zone of the Kesarisamudram Tank, this Court does not find any reason to interfere with the order passed by the leaned Single Judge. Accordingly , the Writ Appeal is dismissed" (Enclosed orders).

5. As per the information provided by the Enforcement Squad, Nagarkurnool Municipality, so far 11 encroachments are removed out of Forty-One (41) encroachments.
6. The details of removal properties of encroachers and cases filed various courts by the encroachers are as under.

SI. No.	Name of the Encroacher	H.No. /Sy. No.	GPS Co-ordinates		Type of Structure	Remarks
			East	North		
1	Sri. Vijay Kumar	Sy. No. 16	0212354	1825476	Water plant (AC Sheet roofing).	Action taken by Enforcement Squad.
2	Sri. Md. Jahangir S/o Jaffer Ali	Sy. No. 39/E	0214355	1826458	Construction of Building at Column stage.	Action taken by Enforcement Squad.
3	Sri. Malishetty Papaiah	Sy.No .17	0212196	1825459	Foundation.	Action taken by Enforcement Squad.
4	Smt. Krishnamma	Sy. No. 23	0211652	1826048	Compound Wall.	Action taken by Enforcement Squad.
5	Sri. Shivaji Rao	Sy. No.	0212336	1825420	Residential House under	Action taken by Enforcement

		16			construction.	Squad.
6	Sowbhagya garden compound wall.	Sy.No .360	0212193	1825439	Compound wall.	Action taken by Enforcement Squad.
7	Govt. Building	Sy.No .303	0210412	1827080	Z.P.P. Building.	Action taken by Enforcement Squad.
8	Layout	Sy.No 27 to 40	0211240	1826253	Soil dump	Action taken by Enforcement Squad
9	Palamuru Raju s/o Thirupathaiah	Sy.No .16 Uyyal awad a	0210981	1826522	Compound wall	Action taken by Enforcement Squad
10		Sy.No .9	0212949	1825390	Soil Dump	Action taken by Enforcement Squad
11		Sy.No .17	0212140	1825483	Soil Dump	Action taken by Enforcement Squad

PENDENCY OF COURT CASES

SI. No	W.P No & Year	Petitioners	Status
1	2596/2020	1). G. Shalini W/o G. Srinivas and others 2). R. Divya Sindhura D/o Srinivasa Rao	Disposed on 14.02.2020
2	13805/2020	1). Uppala Chinnaiaha, S/o Chennaiah, R/o Ramnagar, Nagarkurnool and 25 others	Disposed on 23.11.2020
3	13712/2020	1). Cheruvu Venkata SrinivasaRao and other S/o Ram Rao R/o Nagarkurnool 2). Cheruvu NarasimhaRao, S/o Ram rao R/o Nagarkurnool	Disposed on 23.11.2020
4	14826/2020	1). Mididdidi Shyam Sundar S/o M. Narsimhaiah R/o Nagarkurnool	Disposed on 09.10.2020

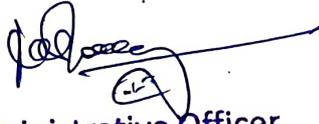
5	18872/2020	1). Mididdidi Shyam Sundar S/o M. Narsimhaiah R/o Nagarkurnool	Pending
6	21887/2020	1). Mididdidi Shyam Sundar and others S/o M. Narsimhaiah R/o Nagarkurnool 2). G. Shalini W/o G Srinivas R/o Nagarkurnool 3). Divya Sindhura W/o M. Sharath R/o Nagarkurnool 4). N. Vishnu Murthy, S/o Late Chandraiah, R/o Kothapet, Hderabad	Disposed on 03.12.2020
7	21996/2020	1).M.Pandurangaiah S/o M. Lakshmaiah, RMP Dorctor, Tarnikal Mahbubnagar.	Disposed on 04.12.2020
8	22231/2020	1). M. Laxmi W/o Gopal, Nagarkrunool	Pending
9	22827/2020	1).Dandugula Masaiah S/o Late D. Saraiah R/o Yendabetla, Ngarkurnool	Disposed on 15.12.2020
10	24243/2020	1). All Saints High School, Nagarkurnool rep by its Correspondence Roy Joseph, S/o P. Joseph, Nagarkurnool 2). Palai Raghavendra S/o Venkateswarlu, Nagarkurnool	Disposed on 29.12.2020
11	12004/2021	1). Shivaji Rao S/o Lakshmoji, Tudukurthi, Mahabubnagar	Disposed on 30.04.2020
12	12025/2021	1). Dasarla Radha, W/o Dasarla Rajanna, Boyapur, Bijinepally, Mahabubnagar Dist.,	Disposed on 30.04.2020
13	12208/2021	1).M.Pandurangaiah S/o M. Lakshmaiah, RMP Dorctor, Tarnikal Mahabubnagar	Pending Draft Counter Affidavit Submitted to the GP, High Court of Telangana for approval
14	27188/2021	1). Mididdidi Shyam Sundar and others S/o M. Narsimhaiah R/o Nagarkurnool 2). G. Shalini W/o G Srinivas R/o Nagarkurnool 3). Divya Sindhura W/o M. Sharath R/o Nagarkurnool	Pending Draft Counter Affidavit Submitted to the GP, High

		4). N. Vishnu Murthy, S/o Late Chandraiah, R/o Kothapet, Hyderabad	Court of Telangana for approval
15	27652/2021	1). All Saints High School, Nagarkurnool rep by its Correspondence Roy Joseph, S/o P. Joseph, Nagarkurnool	Pending Draft Counter Affidavit Submitted to the GP, High Court of Telangana for approval
16	27697/2021	Muddangula Nandini, D/o M. Pandu, Student Minor Rep next friend M. Parvathamma W/o Laxmaiah, Yendabetla, Nagarkurnool	Disposed on 08.11.2021
17	29839/2021	Smt Abida Begum, W/o Mohd Sultan R/o Ramnagar, Nagarkurnool	Pending Draft Counter Affidavit Submitted to the GP, High Court of Telangana for approval
18	30642/2021	Shaik Yaqoob Bin Osman Bawazeer S/O Late Shaik Osman Bin Abood Bawazaar R/o Arab Street, Nagarkurnool	Disposed on 26.11.2021
19	31295/2021	1).M.Pandurangaiah S/o M. Lakshmaiah, RMP Dorctor, Yendabetla Village, Nagarkurnool.	Disposed on 07.12.2021
20	33164/2021	1). Pagadala Bhargavi W/o Pagadala Satyam, Nagarkurnool 2). Dasrla Radha W/o Dasarla Rajanna, Boyapur, Bijinepally, Nagarkurnool 3). Shivaji Rao S/o Lakshmoji, Thoodukurthi, Nagarkurnool.	Disposed on 09.12.2021
21	O.S. 646/ 2021	1). Mohmad Ishaque Meya S/o Mohmad Jaffer, Nagarkurnool.	Pending Draft Counter Affidavit Submitted to the AGP /Juniour Civil Judge Court, Nagarkurnool for approval
22	11576/2022	1). Garlapati Santoshi W/o Garlapati Vijay Kumar and Others	Pending Writ

			Instructions Submitted to the GP, High Court of Telangana.
23	W.A.63/2022	1) Sri M.Pandurangaiah S/o M.Laxmaiah, RMP Doctor, Yendabetla Village, Nagarkurnool	Disposed on 24.02.2022

7. The encroachers are approaching different courts for avoiding action by the District Task Force Team. The District Management is filling the Counter and getting the necessary orders from the Hon'ble Courts to safeguard the Kesarisamudram Water Body.
8. Finally it is submitted that further action of demolition will be taken up by the Municipal Commissioner, Nagarkurnool duly issuing notices to the all concerned.

Attested



Administrative Officer
Collectorate, Nagarkurnool

Sd/- 23.05.2022
District Collector,
Nagarkurnool dist.

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.31295 OF 2021

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

"to issue a Writ, Order or Orders more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.4 in trying to dispossess the petitioner's own House bearing No.1-44, Yendabetla Village, Nagarkurnool Mandal and District, Telangana, despite the State Government of Telangana through its Panchayat Raj Department according permission to construct the petitioner's house, as illegal arbitrary, unconstitutional and violative of principles of Natural Justice."

2. Heard learned counsel for the petitioner, learned Government Pleader for Irrigation and Command Area Development, appearing for respondent Nos.1 and 3, learned Standing Counsel for 4th respondent-Municipality and perused the record.

3. Learned counsel for the petitioner would submit that the petitioner is the absolute owner of subject House bearing No.1-44, situated at Yendabetla Village, Nagarkurnool Mandal and District. The petitioner had constructed the subject house after obtaining due permission and after paying taxes to the authorities concerned. The 4th respondent-Municipality, without following the due process of law, is making attempts to illegally dispossess the petitioner from the subject house. Notices issued by the 4th respondent-Municipality are illegal and are not in accordance with law. Furthermore, the allegation that the petitioner had encroached FTL and buffer zone of Kesarisamudram Tank is not correct. There is no material to

substantiate the same. Therefore, the proposed action of the 4th respondent in dispossessing the petitioner from the subject house is illegal, arbitrary and violation of fundamental rights of the petitioner and ultimately, prayed this Court to allow the Writ Petition, as prayed for.

4. On the other hand, learned Standing Counsel for 4th respondent-Municipality would submit that pursuant to the orders of this Court, dated 04.12.2020, in W.P.No.21996 of 2020, full-fledged enquiry was conducted by the authorities concerned, wherein it was found that the house of the petitioner falls in FTL and Buffer Zone of Kesarisamudram Tank. Hence, a requisite notice, dated 07.10.2021 etc., was issued to the petitioner to vacate/remove the constructed structures within seven (7) days from date of said notice. In spite of service of notice, the petitioner is continuing to reside in the constructed structures. There is no illegality or violation of Rules in issuing notice, dated 07.10.2021 and ultimately, prayed this Court to dismiss the Writ Petition.

5. The material placed on record would reveal that earlier the petitioner filed W.P.No.21996 of 2020 before this Court and this Court *vide* order, dated 04.12.2020, directed the official respondents therein to follow the rule of law. As seen from the material on record, thorough enquiry was conducted as to whether the petitioner's house falls in FTL and Buffer Zone of Kesarisamudram Tank etc, and there are findings to that effect. After completion of enquiry, notice, dated 07.10.2021, was issued to the petitioner to vacate/remove the constructed structures within seven (7) days, as

the subject house falls in FTL and Buffer Zone of Kesarisamudram Tank.

6. Under these circumstances, issuance of notice, dated 07.10.2021 calling upon the petitioner to vacate/remove the constructed structures, cannot be found fault with. There is no illegality or irregularity in issuing the notice, dated 07.10.2021. The Writ Petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed at the admission stage.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

7th December, 2021
YVL

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.31295 OF 2021

Date:07.12.2021

YVL

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.63 of 2022

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ appeal is arising out of order dated 07.12.2021 passed in W.P.No.31295 of 2021.

The facts of the case reveal that the appellant/writ petitioner has preferred a writ petition stating that he is the absolute owner of house No.1-44 situated at Yendabetla Village, Nagarkurnool Mandal and District. The writ petitioner has filed certain copies of receipts in respect of the tax paid by him and his grievance before the learned Single Judge was that the municipality is taking action against him and is trying to illegally dispossess him. The writ petitioner has earlier also preferred a writ petition i.e., W.P.No.21996 of 2020 making a similar prayer and the learned Single Judge by order dated 04.12.2020 directed the official respondents therein to follow the rule of law. After disposal of the aforesaid writ petition, a full-fledged enquiry was conducted by the authorities and came to a conclusion that the house of the writ petitioner falls under the FTL and buffer zone of Kesarisamudram tank and accordingly, a notice was issued on 07.10.2011 to

vacate/remove the construction, which has been raised by encroaching the FTL area, within seven days. Thereafter, the writ petitioner has preferred W.P.No.31295 of 2021 stating that the respondent Municipality is trying to illegally dispossess him. The leaned Single Judge, as the order was passed following principles of natural justice and fair play and there was an encroachment over the FTL and buffer zone of Kesarisamudram tank, has not interfered in the matter.

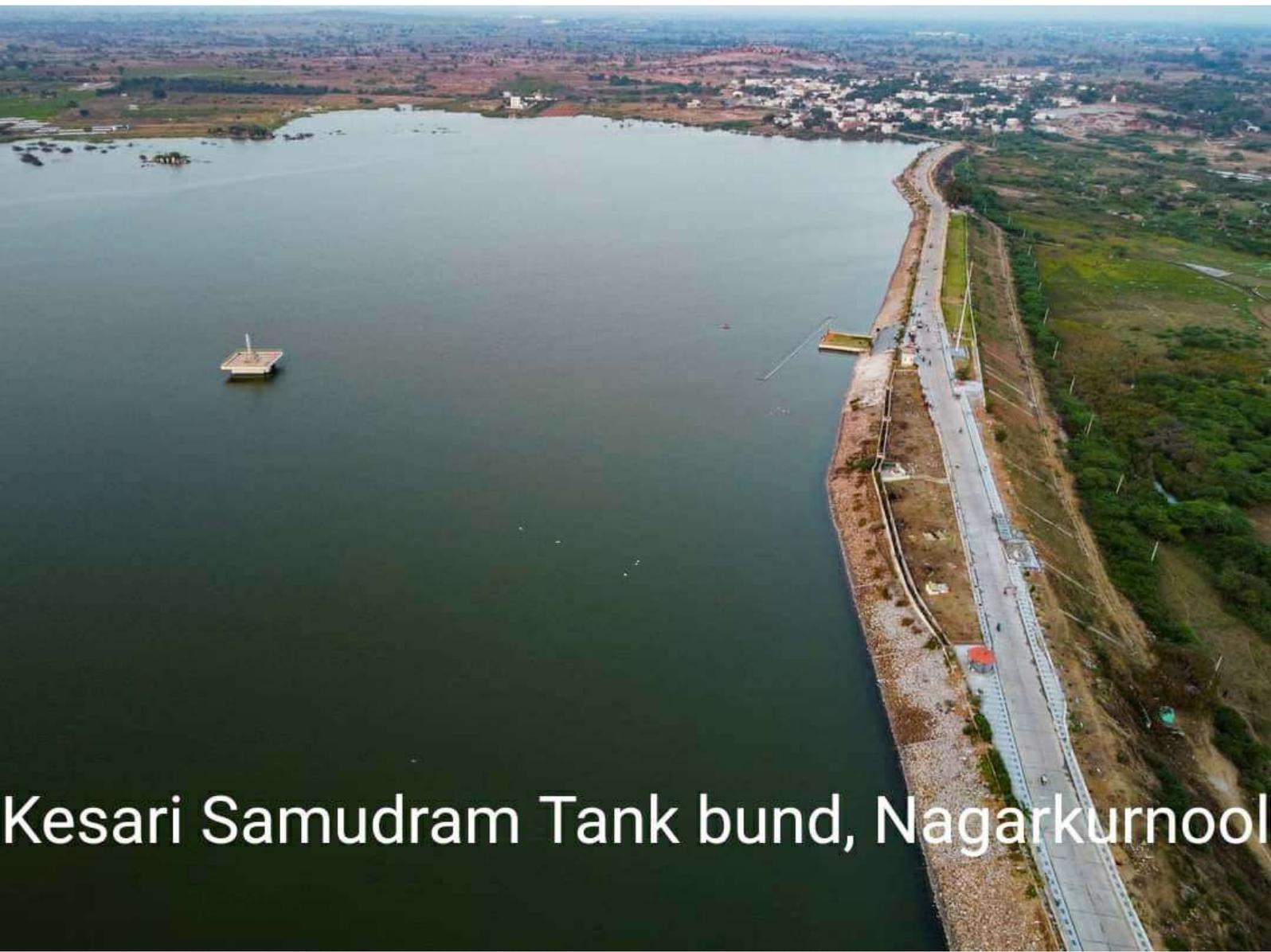
In the considered opinion of this Court as the matter has been enquiry by the authorities, principles of natural justice and fair play have been followed and the enquiry reveals that the writ petitioner's house falls under FTL and buffer zone of the Kesarisamudram tank, this Court does not find any reason to interfere with the order passed by the leaned Single Judge.

Accordingly, the writ appeal is dismissed.

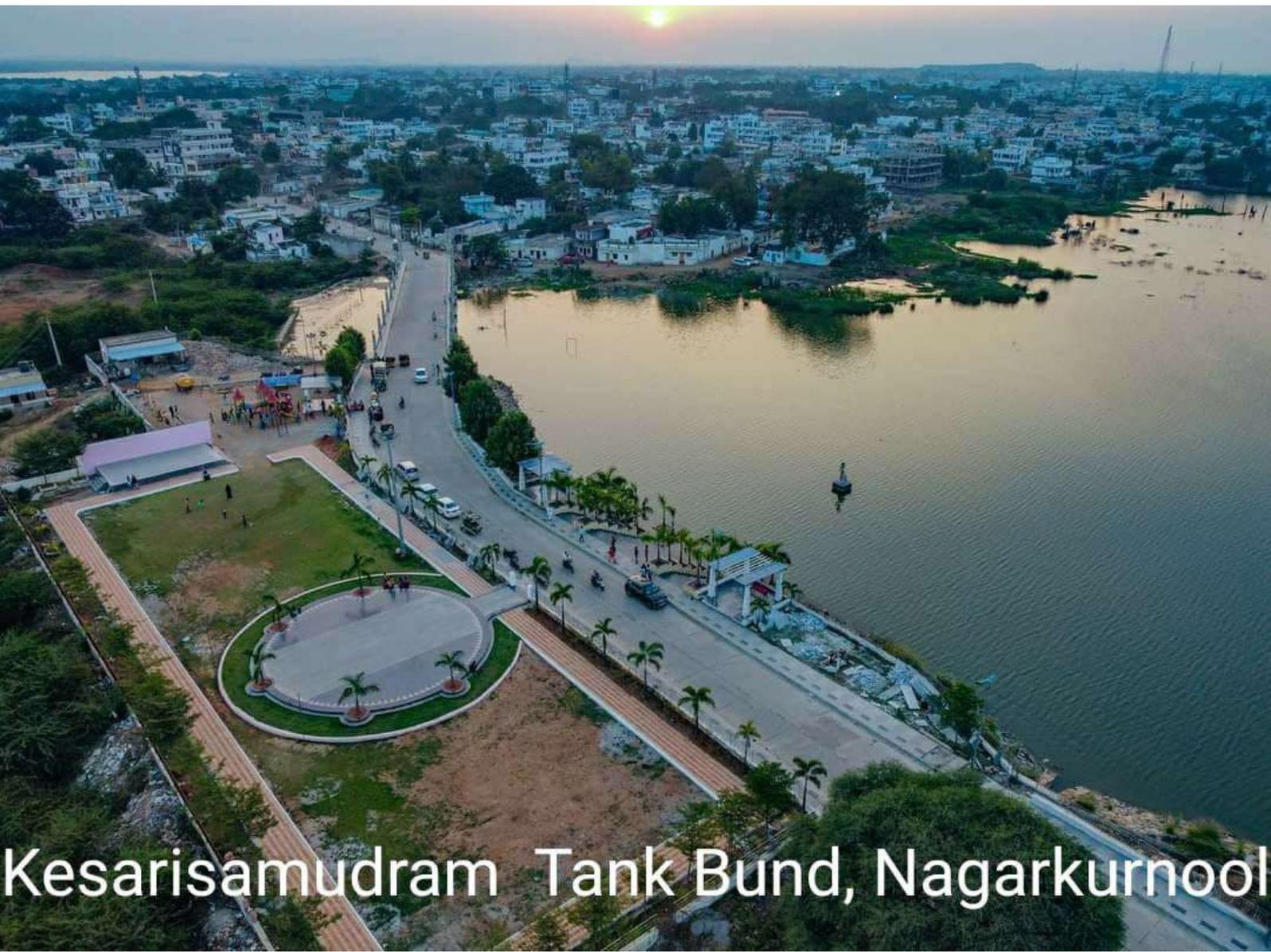
The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

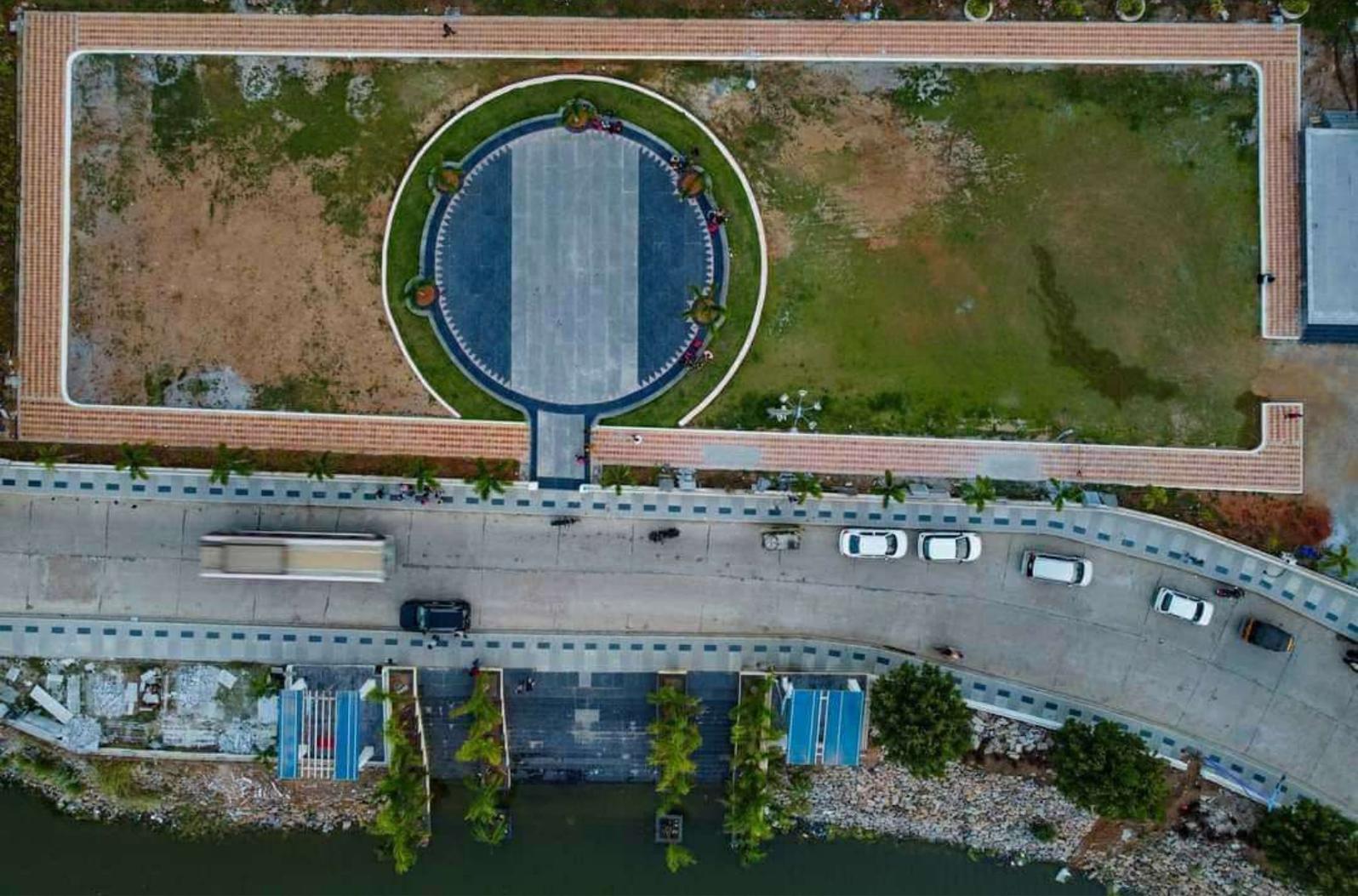


Kesari Samudram Tank bund, Nagarkurnool



Kesarisamudram Tank Bund, Nagarkurnool

Kesarisamudram Tank bund, Nagarkurnool





SN NO 7 GOVERNMENT ZEP BUILDNOS 54001303

ST 1001 श्री विद्याकामर, स्य 100:16



81 no ① sri wilayakuwa syoo 16





09/10/17 SOIL DUMP REMOVED

8900 ① By Nov 9 SOIL DOWN REMOVED

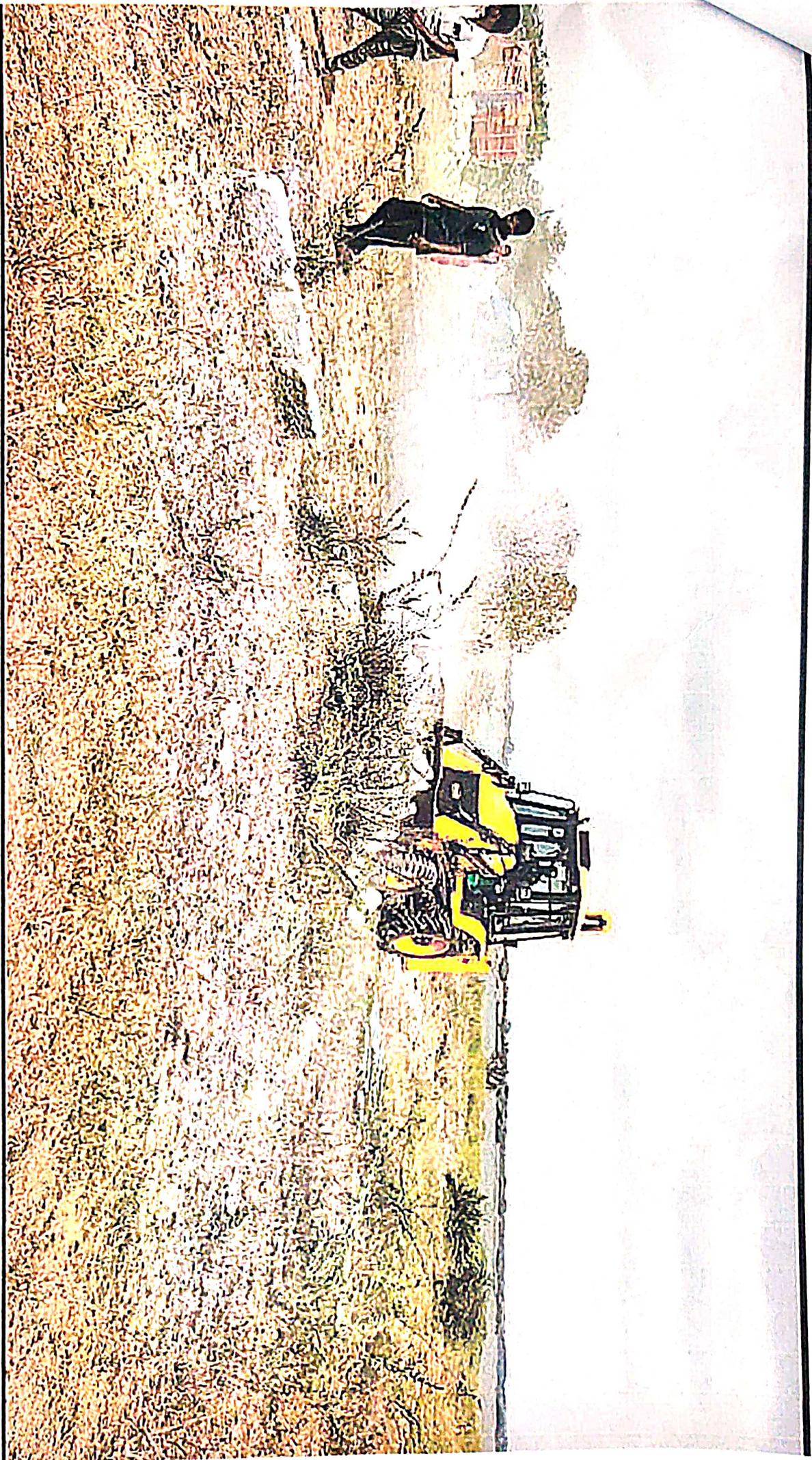


Sl. No. 5. Residential House under construction (SY NO - 16)



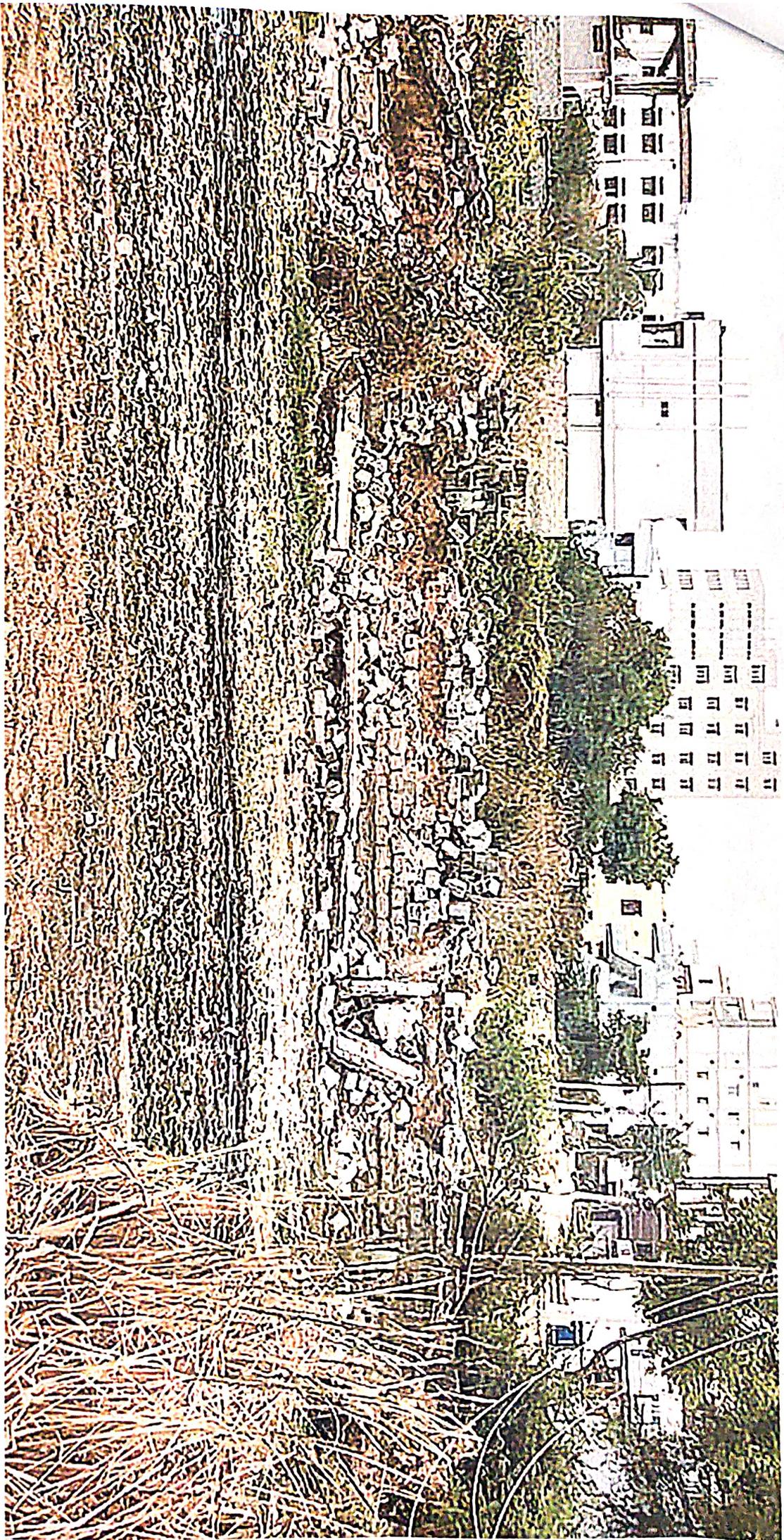
S.A. NO. 5 - Residential House under construction (SxIND-16)





Sl.No. 9 . Sp.No. 16 Compound wall

Sl. No. 7. Z.P.P. BUILDING Sy. No. 303



SI No. 6 COMPOUND WALL SY. NO. 360

