

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTH ZONE BENCH AT CHENNAI

Original Application No. 192 of 2021

Human Rights & Consumer Protection Cell Trust & Anr.

...Applicants

Vs.

The State of Telangana & 9 ors.

... Respondents

**MEMO FILED ON BEHALF OF THE 9<sup>TH</sup> RESPONDENT.**

The counsel for the 9<sup>th</sup> Respondent submits as follows:

1. The present application has been filed by the Applicant for certain reliefs as against the 9<sup>th</sup> Respondent herein. The 9<sup>th</sup> Respondent has received the Court notice along with the application on 26.10.2021 and reserves its right to file a detailed counter to the said application.
2. It is pertinent to place certain facts that have taken place in the interregnum before this Hon'ble Tribunal. The 3<sup>rd</sup> Respondent herein had passed an order dated 21.08.2021 directing the 9<sup>th</sup> Respondent to stop the constructions of apartments and had also kept the building approval issued by it in abeyance, and 8<sup>th</sup> Respondent herein had issued a show cause notice dated 25.09.2021 as to why the constructions should not be demolished from the buffer zone areas of lakes/tanks. Purportedly, both these orders have been passed based on the report submitted by the Superintending Engineer, Irrigation Department.



3. The 9<sup>th</sup> Respondent herein had challenged the aforementioned orders passed by the Respondents 3&8 before the Hon'ble Telangana High Court vide W.P. Nos. 25246 & 25256 of 2021, and the Hon'ble Court vide its order dated 05.10.2021 granting an interim order of suspension of the impugned orders therein. The order of the Hon'ble Telangana High Court is annexed herewith. Further, the official Respondents have sought time to file counters to the above Writ Petitions.

It is therefore prayed that this Hon'ble Tribunal may take this Memo on record, and thus render justice.

Dated at Chennai on this the 31<sup>st</sup> day of October 2021.



**COUNSEL FOR THE 9<sup>TH</sup> RESPONDENT.**

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**(SHOW CAUSE NOTICE BEFORE ADMISSION)  
IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

TUESDAY, THE FIFTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY ONE

: PRESENT:

**THE HON'BLE SRI JUSTICE K.LAKSHMAN**

WRIT PETITION NO: 25256 OF 2021

**Between:**

M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its Partner, Mr. Kaila Narsimha S/o Sri Kaila Seenaiah, Occ. Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA Colony, Chandanagar, Serilingampally K.V. Ranga Reddy District, Telangana - 500050.

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department Secretariat, Hyderabad.
2. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad,
3. The District Collector, Sanga Reddy District, Sanga Reddy.
4. The Tahsildar and Ex-Office Chairman, Mandal Level WALTA Authority Ameenpur Village, Ameenpur Mandal, Sanga Reddy District.
5. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
6. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
8. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
9. Krishna Bhrundhavan Association, Represented by its President. K. Ramesh, S/o Narasimha Ramulu, Occ. IT employee, R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District
10. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, R/o Plot No. 113, H. No. 5-1001104, Ameenpur Village and Mandal, Sanga Reddy District

Respondents

WHEREAS the Petitioner above named through its Advocate M/s. Chandrasen Law Offices presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondent No. 2 in issuing Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt.21.08.2021 directing the petitioner to stop the construction of Apartments by obstructing the nala in Sy No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 and 315 in Ameenpur Village and Mandal, Sanga Reddy District and there by keeping the building permission vide No. 038956/SKP/R1/U6/HMDA/10092020 dt. 24.03.2021 in abeyance as illegal, arbitrary, violation of principles of natural justice and against settled provisions of law and consequently set aside the same;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri B. Chandrasen Reddy learned Senior counsel representing M/s. Chandrasen Law Offices Advocate for the Petitioner and GP for Municipal Administration who takes notice on behalf of respondent No. 1 and Sri Y. Rama Rao, Advocate who takes notice on behalf of respondent No. 2 and GP for Revenue who takes notice on behalf of 3 to 5 and GP for Irrigation who takes notice on behalf of respondent No. 6 & 7 and Sri N. Praveen Kumar who takes notice on behalf of respondent No. 8, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.

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2. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad,
  3. The District Collector, Sanga Reddy District, Sanga Reddy.
  4. The Tahsildar and Ex-Office Chairman, Mandal Level WALTA Authority Ameenpur Village, Ameenpur Mandal, Sanga Reddy District.
  5. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
  6. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
  7. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
  8. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
  9. K. Ramesh, S/o Narasimha Ramulu, President, Krishna Bhrundhavan Association, Occ. IT employee, R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District
  10. Sri. P. Prabhakar Rao, President, Green Villas Colony, R/o Plot No. 113, H. No. 5-1001104, Ameenpur Village and Mandal, Sanga Reddy District

are directed to show cause on or before 02.11.2021 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

**IA NO: 1 OF 2021**

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the impugned Lr. No.038956/SKP/R1/U6/HMDA/10092020 dt.21.08.2021 issued by the respondent No. 2, pending/disposal of WP No. 25256 of 2021, on the file of the High Court.

The Court made the following

**ORDER:**

**Notice before admission.**

**Learned counsel for the petitioner is permitted to serve notices on the ninth and tenth respondents.**

**Learned Government Pleader for Municipal Administration takes notice on behalf of the first respondent.**

**Sri Y.Rama Rao, learned standing counsel, takes notice on behalf of the second respondent.**

**Learned Government Pleader for Revenue takes notice on behalf of Respondent Nos.3 to 5.**

**Learned Government Pleader for Irrigation and Command Area Development takes notice on behalf of sixth and seventh respondents.**

**Sri N.Praveen Kumar, learned standing counsel takes notice on behalf of the eighth respondent.**

**All of them seek time to file counters.**

**List on 02.11.2021.**

**A perusal of the record would reveal that the second respondent has granted an approval for construction of a residential building apartment in favour of the petitioner on 24.03.2021.**

**Now the second respondent had issued the impugned proceedings dated 21.08.2021 informing the petitioner that its building permission was kept in abeyance on the ground that the seventh respondent *vide* his report dated 17.08.2021 informed the second respondent that there is**

surplus channel is being diverted by the pattadars of the land in Sy.Nos.276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 and 315, 353 and 354 situated at Ameenpur Village and Mandal, Sanga Reddy District.

In the impugned proceedings dated 21.08.2021, the second respondent has referred about the report of the seventh respondent.

According to Sri B.Chandrasen Reddy, learned senior counsel, the seventh respondent without serving any notice on the petitioner and without giving any opportunity submitted the above said report.

Referring to the notice dated 25.09.2021 issued by the fourth respondent, learned Government Pleader for Revenue would submit that the fourth respondent informed the petitioner herein that there are encroachments in the Flood Water Canals between the Kothacheruvu and Bandamkommu tanks of Ameenpur Village and Mandals and as such violating the rules enumerated in the WALTA Act, 2002 and accordingly the fourth respondent directed the petitioner herein to submit explanation as to why the residential houses/constructions should not be dismantled/removed from FTL/Buffer zone areas of the lakes/tanks within the stipulated period of fifteen days.

Learned senior counsel would submit that the petitioner herein had filed a writ petition *vide* W.P.No.25246 of 2021 challenging the said notices and it is also listed for admission today. Learned Government Pleader for Irrigation and Command Area Development is directed to file copy of the final notification issued by the Competent Authority earmarking the FTL zone by way of issuing final notification.

*Prima facie*, the second respondent had issued the impugned proceedings dated 21.08.2021 and the fourth respondent had issued the notice dated 25.09.2021 without putting the petitioner on notice and without giving any opportunity to it.

In view of the above, the matter requires examination.

Therefore, there shall be interim suspension as prayed for.

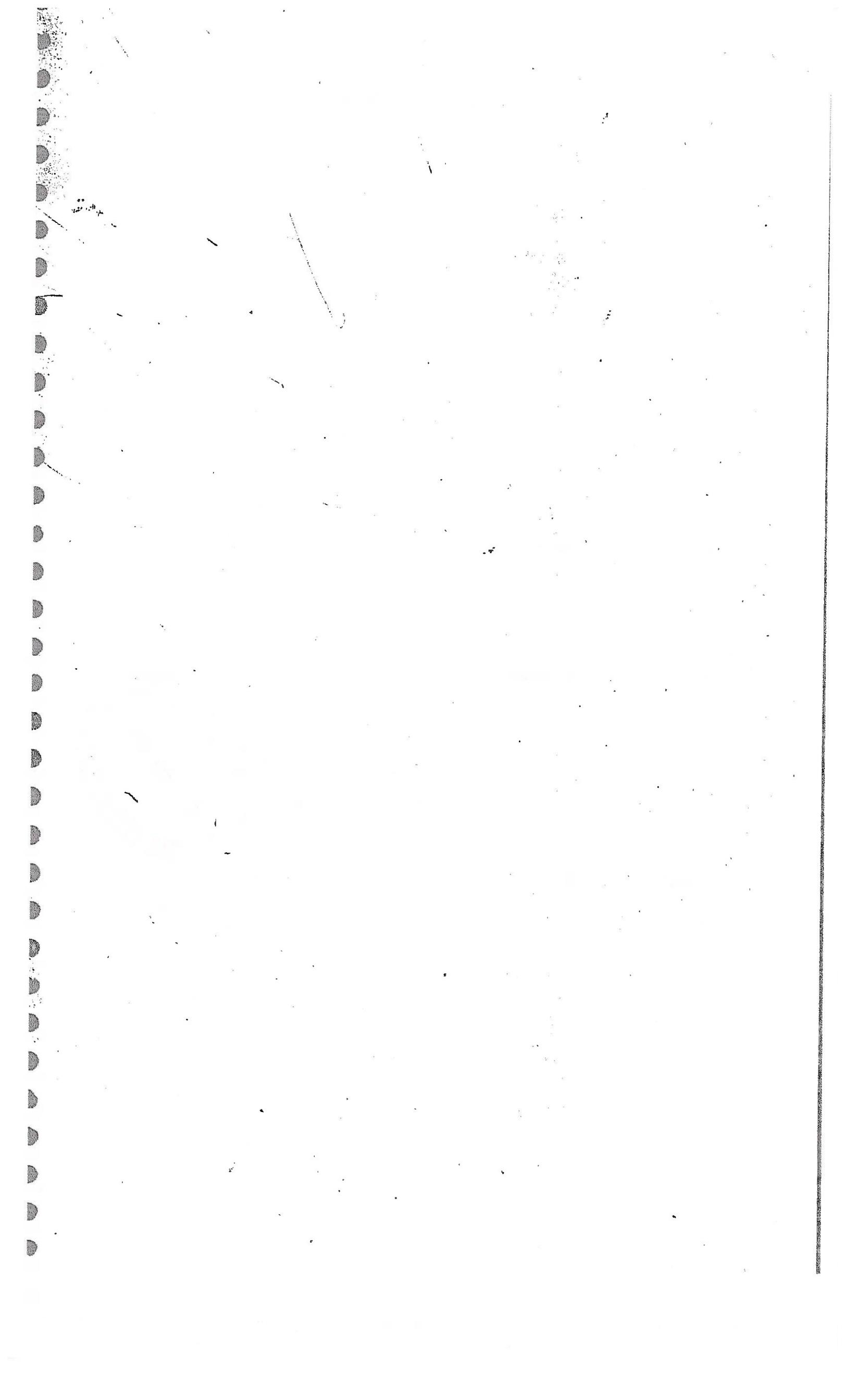
SD/- K. SHYLESI  
Assistant Registrar  
*[Signature]*

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SECTION OFFICER

- To,
1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
  2. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad,
  3. The District Collector, Sanga Reddy District, Sanga Reddy.
  4. The Tahsildar and Ex-Office Chairman, Mandal Level WALTA Authority Ameenpur Village, Ameenpur Mandal, Sanga Reddy District.

5. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
6. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
8. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
9. K. Ramesh, S/o Narasimha Ramulu, President, Krishna Brundhavan Association, Occ. IT employee, R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District
10. Sri. P. Prabhakar Rao, President, Green Villas Colony, R/o Plot No. 113, H. No. 5-1001104, Ameenpur Village and Mandal, Sanga Reddy District  
(Addressees 1 to 10 by RPAD along with a copy of petition and affidavit)
11. One CC to M/s Chandrasen Law Offices Advocate [OPUC]
12. Two CC to GP for Municipal Administration, High Court at Hyderabad. [OUT]
13. Two CC to GP for Irrigation, High Court at Hyderabad (OUT)
14. Two CC to GP for Revenue, High Court at Hyderabad (OUT)
15. One spare copy



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HIGH COURT

KLJ

DATED:05/10/2021

NOTE: POST ON 02.11.2021

NOTICE BEFORE ADMISSION

WP.No.25256 of 2021

INTERIM SUSPENSION



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IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

TUESDAY, THE FIFTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 25246 OF 2021

Between:

M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its Partner, Mr. Kaila Narsimha S/o Sri Kaila Seenaiah, Occ Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA colony, Chandanagar, Serilingampally K.V. Ranga Reddy District, Telangana - 500050.

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Tahsildar, Ameenpur Village and Mandal, Sanga Reddy District.
3. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad,
4. The District Collector, Sanga Reddy District, Sanga Reddy.
5. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
6. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
8. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
9. Krishna Bhruindhavan Association, Represented by its President K. Ramesh, S/o Narasimha Ramulu, Occ IT employee, R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District
10. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, R/o Plot No. 113, H.No. 5-1001104, Ameenpur Village and Mandal, Sanga Reddy District

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondent No. 2 in issuing Notice No. B/1273/2021 dt. 25.09.2021 that the petitioner is encroaching the flood water canals between the Kothacheruvu and Bandamkommu tanks of Ameenpur village and mandal, violating the rules enumerated in the WALTA Act 2002 and directing the petitioner to submit explanation as to why the residential houses/ constructions should not be dismantled/removed from FTL/ Buffer zone areas of the lakes/tanks within the stipulated period of 15 days as illegal, arbitrary, violation of principles of natural justice and against settled provisions of law and consequently set aside the same;

IA NO: 1 OF 2021

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of the Notice No. B/1273/2021 dt. 25.09.2021 issued by the respondent No. 2, pending disposal of WP 25246 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s Chandrasen Law Offices Advocate for the Petitioner and GP for Revenue for the respondent No. 1, 2, 4 & 5 and Sri Y. Rama Rao, Advocate for the respondent No. 3 and GP for Irrigation for the respondent No. 6 & 7 and Sri N. Praveen Kumar, Advocate for the respondent No. 8, the Court made the following.

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ORDER:

Registry is directed to list this writ petition on 25.10.2021 along with W.P.No.25256 of 2021 after obtaining necessary orders from the Hon'ble The Acting Chief Justice.

In the meanwhile, the official respondents are directed not to take any coercive steps against the petitioner.

SD/- B. SATYAVATHI  
ASSISTANT REGISTRAR

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*B.*  
SECTION OFFICER

To, ,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The Tahsildar, Ameenpur Village and Mandal, Sanga Reddy District.
3. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad
4. The District Collector, Sanga Reddy District, Sanga Reddy.
5. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
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(Addressees 1 to 10 by RPAD)
11. The Section Officer, Writ (Non-Service), Section, High Court, Hyderabad
12. One CC to M/s. Chandrasen Law Offices Advocate [OPUC]
13. Two CC to GP for Revenue, High Court at Hyderabad. [OUT]
14. Two CC to GP for Irrigation, High Court at Hyderabad (OUT)
15. One spare copy

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HIGH COURT

AARJ

DATED:05/10/2021

NOTE: POST ON 25.10.2021 ALONG WITH WP. NO. 25256 OF 2021

ORDER

WP.No.25246 of 2021

DIRECTION





**BEFORE THE NATIONAL GREEN  
TRIBUNAL  
SOUTH ZONE BENCH AT CHENNAI**

**Original Application No. 192 of 2021**

Human Rights & Consumer Protection Cell  
Trust & Anr.

...Applicants

Vs.

The State of Telangana & 9 ors.

... Respondents

**MEMO FILED ON BEHALF OF THE 9<sup>TH</sup>  
RESPONDENT.**

**M/s. SRINATH SRIDEVAN  
TK BHASKAR  
K HARISHANKAR**

**COUNSELS FOR THE 9<sup>TH</sup> RESPONDENT.**