

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 192 of 2021 (SZ)

IN THE MATTER OF

Human Rights & Consumer
Protection Cell Trust, Rep. by its Chairman,
Hyderabad and Another.

..Applicant(s)

Versus

The State of Telangana,
Rep. by its Chief Secretary,
Hyderabad and others.

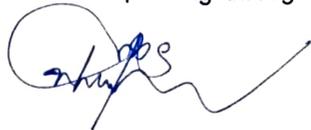
..Respondent(s)

**INDEPENDENT STATEMENT OF DIRECTOR (PLANNING) HMDA SUBMITTED
BEFORE NATIONAL GREEN TRIBUNAL, CHENNAI IN
APPLICATION NO. 192/2021**

1. It is to submit that HMDA i.e., respondent has issued building permission for construction of Residential Apartment consisting of Amenities Block with 1 Cellar + 1 Stilt floor + 4 upper floors and 4 Apartment Blocks (A,B,C & D) with 1 Stilt + 5 upper floors in Survey No.276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 of Ameenpur Village, Ameenpur Municipality Mandal, Sanga Reddy District to an extent of 9,914.75 Sq. Mts., in favour of M/s.Lalitha Constructions and Developers, represented by its Proprietor Mr. Kaila Narsimhha vide Application No. 038956/SKP/R1/U6/HMDA/10092020, dt. 24.03.2021. The above permission was issued based on the Master Plan, as well as Village Map available with this office, as per Village Map and Master Plan available with this office there is no Nala passing through the petitioner's site.

2. Further it is to submit that after issue of the above permission, this office received complaint vide representation dt. 16.07.2021 from Sri P. Prabhakara Rao, President of Green Villas Colony, Ameenpur and also received another complaint vide representation dt. 17.07.2021 from Krishna Brundavan Association alleging that a Nala is present in between Sy.No. 266, 277, 314 & 315 and blocked the Nala and constructing the apartment and have concealed the Nala information and requested this office to cancel the building permission.

3. It is respectfully submitted that the above complaints has been examined by this office and while enclosing copies of above complaint, the SE, I.B & CAD Division, Irrigation Department has been requested vide this office letter dt. 07.08.2021 to examine the complaints and offer remarks whether the Nala is passing through the



above survey numbers under reference along with sketch plan for taking further action in the matter.

4. It is respectfully submitted that in response to the above letter, the E.E, Irrigation Division issued letter No. EE/ID/SRD/DB/DEE(T)/HD2/305/2, dt. 17.08.2021 and stated that the surplus channel is being diverted by the pattedars of the land in Sy.No. 276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1, 314/C1/2, 314/C1/3, 314/C1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315, 353 & 354 in which surplus course is flowing which is causing inundation of the surrounding buildings and the diverted water is flowing on the roads which may spread the seasonal diseases.

5. It is respectfully submitted that on receipt of above report from the E.E, Irrigation Division, the permission granted by this respondent in favour of applicant vide Lr.No. 038956/SKP/R1/U6/HMDA/10092020, dt. 24.03.2021 is kept in abeyance vide this office letter dt.21.08.2021 and informed the applicant not to proceed construction work until further orders from this office. Copies of the said letter marked to Commissioner, Ameenpur & S.E., Irrigation.

6. It is respectfully submitted that in the meantime, the Human Rights & Consumer Protection Cell Trust represented by Sri Thakur Rajkumar Singh and Krishna Brundavan Association represented by Sri K.Ramesh filed a case in O.A.No.192 of 2021 before the Hon'ble NGT, Chennai against the Technical Approval given by the HMDA, Hyderabad to M/s Lalitha Constructions.

7. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ), Chennai taking into consideration, the applications filed by the applicant, passed orders in O.A.No.192 of 2021 dated 27.08.2021 appointing a Joint Committee comprising of the i) District Collector, Sangareddy, ii) Senior Officer from Irrigation Department, Sangareddy District and iii) Senior Officer from Lake Protection Committee, Hyderabad to ascertain the genuineness of the allegations made in the application by inspecting the area in question and submit a factual as well as action taken report, if there is any violation found.

8. It is respectfully submitted that in compliance of the orders dt. 27.08.2021 passed by Hon'ble National Green Tribunal, Chennai in O.A. No. 192 of 2021, the District Collector has constituted a Joint Committee with the officials of HMDA and Irrigation Department and inspected the site on 01.09.2021 & 02.09.2021. During the course of Joint Inspection it is noticed that flood water channel stream from Kothacheruvu is identified as passing in Sy.Nos. 319, 318, 317, 316, 315, 343/3, 350, 351, 352, 353, 396, 393, 392, 376 and 375 of Ameenpur Village and finally enters into Bandam Kommu Cheruvu. Further, the Committee noticed that the encroachments and constructions are

observed in the flood water stream and its buffer area duly diverting the surplus course by dumping the soils and also reducing the width of the surplus course thereby partially obstructing the flow of water. The alignment of said surplus course is not shown in Revenue Village Map and in Irrigation Department map. As per the physical inspections and from Google maps extracts it is noticed that the said surplus course is passing through the aforesaid survey numbers. On physical verification and as per the latest flood data the width of the surplus course is considered as 9.60 mts with 2.0 mts of buffer zone applicable on either sides as per the conditions stipulated under G.O. Ms. No. 168 of MA&UD Department, dt. 07.04.2012 and upon demarcation the extent of land affected under the surplus course and buffer zone in Sy.No. wise are as tabulated in report of the Joint Committee 01.09.2021 & 02.09.2021 therein. Out of the survey numbers mentioned in the inspection report, the Sy.No. 315 of Lalitha Constructions is affecting to an extent of Ac.0.01 Gts under flood water nala and buffer of nala to an extent of Ac.0.01 Gts.

9. It is respectfully submitted that the Joint Committee found that in Sy.No. 315 M/s. Lalitha Constructions i.e, 9th Respondent herein has made some construction (like Club House) in the alignment of surplus (like club house) in the alignment of surplus, channel and buffer zone, whereas, Lalitha Constructions have applied for building permission to an extent of 9,914.75 Sq.mts 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 & 315 of Ameenpur Village & Mandal, Sangareddy District and concluded the meeting on 13.09.2021 vide Lr.No. D1/1365/2021, dt. 13.09.2021 directing the officials of HMDA and Irrigation Department to take necessary measures in order to protect the waterbodies as well as necessary action as per rules in force to remove encroachments found if any in the waterbodies and the Joint Committee also prepared report vide Proc. No. D1/1365/2021, dt. 17.09.2021 taking into account the above encroachments and in light of the orders of the Hon'ble National green tribunal (SZ), Chennai, the Committee felt necessary to direct the concerned for removal encroachments expeditiously and restore the water body to its original state and to prevent inundation and water logging in the residential areas and public pathways and issued directions to the officials concerned to immediately act on the above instructions. Based on the report of Committee, the District Collector, Sangareddy in the Proceedings No. D1/1365/2021 Dt. 17.09.2021 have stated that surplus course is passing through the applicant / petitioner's site and requested to take necessary further action in this matter. It is submitted that this Respondent Authority have not issued any permissions in the Sy.Nos. 319, 318, 317, 316, 315, 343/3, 350, 351, 352, 353, 396, 393, 392, 376 and 375 of Ameenpur Village, except Sy.No. 315, as identified and noticed by the Joint Committee vide its Joint Inspection report dated 01.09.2021 & 02.09.2021.

10. It is respectfully submitted that in compliance of the letter dt. 17.09.2021 of the District Collector, this office issued show cause notice on dt. 25.09.2021 to the 9th Respondent i.e, Lalitha Constructions to Show Cause as to why the Building Permission issued by this office vide Application No. 038956/SKP/R1/U6/HMDA/ 10092020, dt. 24.03.2021 shall not be revoked on the grounds of suppression of facts. No reply is received from the applicant so far.

11. It is respectfully submitted that aggrieved by the abeyance Lr.No. 038956/SKP/R1/U6/HMDA/10092020, dt. 21.08.2021, the 9th Respondent i.e., M/s. Lalitha Constructions approached the Hon'ble High Court and filed W.P. No. 25256 of 2021 & W.P. No. 25246/2021 and the Hon'ble High Court in I.A. No. 1 of 2021 in W.P. No. 25256 of 2021 has passed interim orders on dt.05.10.2021 that

"Prima facie, the second respondent (HMDA) 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 suspensions as prayed for".

12. It is respectfully submitted that the Respondent HMDA is contesting the cases before the Hon'ble High Court and both the case are pending before the Hon'ble High Court.

13. As per the interim suspension orders dt. 05.10.2021 passed by the Hon'ble High Court in W.P. No. 25256/2021, it is noticed that the 9th Respondent i.e., M/s. Lalitha Constructions is carrying out with the construction activity.

14. The above report is submitted before the Hon'ble Nation Green Tribunal, Chennai for kind perusal and it is humbly prayed that necessary order or orders may be passed as deemed it



Director Planning-I
Hyderabad Metropolitan Development Authority

(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 Seenaiyah, 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 Bhurndhavan 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

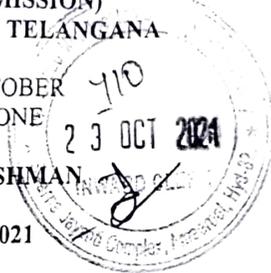
Respondents

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 mala 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.



Handwritten notes:
25/10/2021
Ame (2) DAD (ST)
25/10/2021

Handwritten notes:
B.B. Chandrasen Reddy

Handwritten notes:
25/10/21
200
26/10/21
1008
800
26/10/21

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

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. SHYLESHI
Assistant Registrar

//TRUE COPY//

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 Bhruindhavan 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

HIGH COURT

KLJ

DATED:05/10/2021

NOTE: POST ON 02.11.2021

NOTICE BEFORE ADMISSION

WP.No.25256 of 2021

INTERIM SUSPENSION

3

MEMORANDUM OF WRIT PETITION
(Under Article 226 of the Constitution of India)
(Special Original Jurisdiction)
HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
AT: HYDERABAD

Between: W.P.NO. OF 2021

M/s Lalitha Constructions and Developers,
A Partnership Firm,
Rep. by its Partner,
Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah,
Aged 44 years, 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 & 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 & 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 & CAD,
Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer,
IB & CADD Division, Irrigation Department,
Sanga Reddy District, Sanga Reddy.

8. The Commissioner
Ameenpur Municipality,
Ameenpur, Sanga Reddy District,

9. Krishna Brundhavan Association,
Represented by its President:
K. Ramesh, S/o Narasimha Ramulu,
Aged about 37 years, Occ: IT employee,
R/o Bandamkommu, Plot No. 52-5, Krishna Brundhavan Colony,
Ameenpur, Sanga Reddy District

10. Green Villas Colony
Rep. by its president
Sri. P. Prabhakar Rao, S/o Unknown
R/o Plot No. 113, H. No. 5- 1001104,
Ameenpur Village & Mandal,
Sanga Reddy District

.....Respondents

The address for service of all notices, process, summons, etc., on the above named Petitioner is that of his Counsel, M/s. **CHANDRASEN LAW OFFICES (21055), B. Namrata Reddy (22427), Advocate, # 3-6-305/8, Avanthi Nagar, Basheerbagh, Hyderabad.**

For the reasons stated above, It is therefore prayed that this Hon'ble 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 & 315 in Ameenpur Village & 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 pass such other orders or reliefs as this Hon'ble Court deems fit and proper in the interests of justice.

Hyderabad,

Date: 04.10.2021


COUNSEL FOR THE PETITIONER

7

HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
AT HYDERABAD

WP. No.

OF 2021

Between:-

M/s Lalitha Constructions and Developers,
A Partnership Firm,
Rep. by its Partner,
Mr. Kaila Narsimha S/o Sri Kaila Seenaiiah,
Aged 44 years, Occ: Business,
R/o Flat No. 304, Sri Vijaya Lakshmi Residency,
HUDA colony, Chandanagar, Serilingamapally
K.V. Ranga Reddy District, Telangana - 500050.

.....Petitioner

AND

1. The State of Telangana
Rep. by its Principal Secretary,
Municipal Administration & 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 & 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 & CAD,
Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer,
IB & CADD Division, Irrigation Department,
Sanga Reddy District, Sanga Reddy.
8. The Commissioner
Ameenpur Municipality,
Ameenpur, Sanga Reddy District,

కె.నరింపూర్

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9. Krishna Bhrundhavan Association,
Represented by its President:
K. Ramesh, S/o Narasimha Ramulu,
Aged about 37 years, Occ: IT employee,
R/o Bandamkommu, Plot No. 52-5, Krishna Brundhavan Colony,
Ameenpur, Sanga Reddy District

10. Green Villas Colony
Rep. by its president
Sri. P. Prabhakar Rao, S/o Unknown
R/o Plot No. 113, H. No. 5-1001104,
Ameenpur Village & Mandal,
Sanga Reddy District

.....Respondents

AFFIDAVIT

I, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ: Business, R/o Plot No. 143, Sri Vijaya Lakshmi Residency, Nallagandla, Lingampally, K.V. Ranga Reddy District, Telangana - 500019, do hereby solemnly affirm and state on oath as follows:

1. I am the Deponent and the Partner of 1st Petitioner herein and as such I am well acquainted with the facts of the case and able to depose as under.
2. That the present writ petition is filed challenging 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 & 315 in Ameenpur Village & 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.
3. It is submitted that the petitioner is a partnership firm engaged in the business of construction and development. That the petitioner is the absolute owner and possessor of the land in Sy No. 276/AA admeasuring Ac 0.10 gts and in Sy No. 315 admeasuring Ac 0.34 gts, total admeasuring Ac 1.04 gts, situated at Ameenpur village, Municipality & Mandal, Sanga Reddy District, having purchased the same through the registered sale deed bearing document Nos.

కె.నర్సింహారెడ్డి

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21139 of 2020 dt 14.08.2020 and 22101 of 2020 dt 02.07.2020, registered in the office of Joint Sub Registrar Sanga Reddy District.

4. It is submitted that the petitioner has also entered into an Development Agreement Cum General Power of Attorney for the subject lands mentioned here under:

Sl. No.	DAGPA Document No.	Dt.	Survey No.	Total Extent of land (in Sq. yards)
1	21202/2020	19.06.2020	314/21/3 314/23/3 314/24 314/21/2 314/21/1 314/21/4	1815.00
2	15911/2020	19.06.2020	154 Part 169 Part 123 136	484.00
3	22103/2020	02.07.2020	315	2420.00
4	18074/2020	10.07.2020	314/22 314/22	1452.00
5	20859/2020	13.08.2020	315	363.00

5. That the petitioner is constructing an apartment having four blocks in the total land admeasuring 9,914.75 Sq. mtrs in Sy Nos. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315. That the petitioner has applied for building permission for Residential building/ apartment building containing proposed (amenities block) 1 Cellar + 1 Stilt + 5, proposed (Block D): 1 Stilt + 5, proposed (Block C): 1 Stilt + 5, proposed (Block B), 1 Stilt + 5, proposed (Block A): 1 Stilt + 5 upper floors in survey No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sanga Reddy District vide application No. 038956/SKP/R1/U6/HMDA/10092020 dt. 10.09.2020 and the same has been granted on 24.03.2021.

6. While the matter stood, thus the petitioner has received a letter vide Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt. 21.08.2021, issued by the 2nd respondent, 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 & 315 in Ameenpur Village & Mandal, Sanga Reddy District. In the said letter it is stated by the 2nd respondent that

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there were two complaints received by 9th respondent dt. 17.07.2021 and by 10th respondent dt. 16.07.2021 alleging that a nala is present in between Sy No. 266, 277, 314 & 315, the builder blocked the nala and constructing the apartment. That based on the above mentioned complaints the 2nd respondent directed the petitioner not to proceed with the construction of the building.

7. It is pertinent to submit that the above permission was issued by the 2nd respondent based on the master plan and village map available in their office. That as per the same there is no nala passing through the 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 & 315 in Ameenpur Village & Mandal, Sanga Reddy District wherein the petitioner is constructing the building. That in fact as per the village map, there are nalas passing through the 9th and 10th Respondent layouts which are adjacent to the Petitioners layout. That the 9th Respondent has changed the course of the nala in the layout map submitted to Gram Panchayat and from the same it is clear that a nala is passing through the 9th Respondent layout in "L" shape. The permission was accorded to the 9th Respondent only on the condition that the nala is maintained, preventing water inundation. However, the 9th respondent contrary to the layout plan has blocked the nala passing through their layout which is further causing inundation and water logging during rains. That the same was affecting the construction of the petitioner's building as it was obstructing the ingress and egress of the construction vehicles hampering the construction activities. To prevent the same the petitioner has carved a temporary outlet for water through the petitioner's land. That the 9th and 10th respondent taking undue advantage of the same have been contending that the petitioner has encroached a nala so that they can divert the nalas cutting from their respective layouts to save their extent of land. From the village map it is clear that there are no nalas cutting from the petitioner's land, however nalas can be seen in the 9th and 10th respondents land.

8. It is submitted that the 2nd respondent has issued the letter vide Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt. 21.08.2021 basing on the complaints issued by the 9th and 10th respondents with a malafide intend to save their extent of land and thereby causing loss of petitioner's land by attributing an imaginary nala which was never flowing through the petitioner's subject land. Further the petitioner was not served with any show cause notice giving him an opportunity to explain before issuing the impugned letter directing the

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petitioner to stop the construction which is in violation of the principles of natural justice of the petitioner. Further, in the said impugned notice the 2nd respondent refers to the letter No. EE/ID/SRD/DB/DEE(T)/HD2/305/2 dt. 17.08.2021 issued by the 6th respondent stating that a surplus channel is being diverted by the pattadars of the land 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 & 315 in Ameenpur Village & Mandal, Sanga Reddy District with no mention of from when the surplus channel was being diverted. That the said letter of the 6th respondent was not furnished to the petitioner preventing him from perusing the same to determine the veracity of it by way of a counter/reply. Therefore, relying on the same by the 2nd respondent in the impugned notice has directed the petitioner to stop the construction which is non application of mind and illegal.

9. It is further submitted that the 9th respondent has demanded Rs. 10.00 crores and the petitioner have not acceded to the demands, they have malafidely filed an application before the Hon'ble National Green Tribunal, Chennai in OA No. 192 of 2021 on 18.08.2021 which is pending. And on multiple occasions they have blocked the construction vehicles of the petitioner and have also assaulted the workers working on the site of the petitioner, as the petitioner didn't accede to their extortion demands. That the petitioner has received a show cause notice dt.25.09.2021 from the 4th Respondent seeking an explanation as to why the construction of the petitioner should not be dismantled as it violates the WALTA Act, and the same is being challenged by way of a separate writ petition.

10. It is submitted that the 2nd respondent without perusing the village map which clearly shows that there are no nalas passing through the petitioners land have issued the impugned notice based on the malafide complaints of the 9th and 10th respondents without application of mind and with absolute disregard to the petitioner principles of natural justice. Therefore, the impugned notice is neither maintainable on facts or law and the petitioner will be put to irreparable loss as he invested crores of rupees by obtaining loans, if the same is not set aside. That there are about 200 workers working on the site and stopping the construction activity would cause a huge loss to their livelihood. The petitioner reserves his right to file additional affidavit along with additional material papers if necessary. Hence this Writ Petition.

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11. The petitioner has no other alternative of effective remedy except to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

12. The petitioner has not filed any other writ petition or initiated any other proceedings in respect of the relief sought for in this Writ Petition.

For the reasons mentioned above, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ or Direction or Order, 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 & 315 in Ameenpur Village & 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 pass such other orders or reliefs as this Hon'ble Court deems fit and proper in the interests of justice.

It is further prayed that this Hon'ble 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 main Writ Petition and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interests of justice.

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Deponent

Sworn and signed before me on
this the 4th October, 2021
at Hyderabad.

Advocate // Hyderabad

VERIFICATION

I, Mr. Kaila Narsimha S/o Sri Kaila Seenaiah, Aged 44 years, Occ: Business, R/o Plot No. 143, Sri Vijaya Lakshmi Residency, Nallagandla, Lingampally, K.V. Ranga Reddy District, Telangana - 500019, do hereby declares that the information mentioned in paras 1 to 12 are true and correct to the best of my knowledge and belief and the rest of the paras are stated to be on legal advice and the same is believed to be true and correct. Verified on this the 4th day of October, 2021 at Hyderabad.

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Deponent

Advocate

S 1416
B/S

SANGA REDDY :: DISTRICT

HIGH COURT :: HYDERABAD

W.P.NO.

OF 2021

WRIT OF MANDAMUS

Filed on: 04.10.2021

Filed by

M/s. CHANDRASEN LAW OFFICES
(21055),

B. NAMRATA REDDY (22427),
Advocates

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

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

698
21 OCT 2021

: 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 Brundhavan 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 ETI/ 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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22/10/21
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23/10/21
AOC (re) / D.A. (S.J.)
23/10/21

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

//TRUE COPY//

Ch
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.
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)
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

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

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

W.P.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 Seenaiiah, aged about 44
years, Occ: Business, R/o Flat No.304, Sri Vijaya
Lakshmi Residency, HUDA Colony,
Chandanagar, Serilingampally, K.V. Ranga
Reddy District, Telangana-500050.

.. Petitioner

A N D

1. The State of Telangana, Rep.by its
Principal Secretary, Municipal
Administration & Urban Development
Department, Secretariat, Hyderabad.
2. The Commissioner, Hyderabad
Metropolitan Development Authority
(HMDA), Tarnaka, Hyderabad.
3. The District Collector, Sanga Reddy
District, Sanga Reddy District.
4. The Tahsildar & 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 & CAD, Sanga Reddy District,
Sanga Reddy.


PLANNING OFFICER
Hyderabad Municipal Corporation


DIRECTOR OF PLANNING
Hyderabad Municipal Corporation

7. The Superintendent Engineer, IB&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, aged about 37 years. 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, S/o Unknown, R/o Plot No.113, II.No.5-1001104, Ameenpur Village and Mandal, Sanga Reddy District.

..... Respondents

COUNTER AFFIDAVIT FILED BY THE RESPONDENT NO.2

I, S. Balakrishna, S/o Late Badraiah, aged about 50 years. Occ: Government Employee, I am working as Director Planning-I off Hyderabad Metropolitan Development Authority (HMDA), Hyderabad, do hereby solemnly affirm and sincerely state on oath as follows.

1. I respectfully submit that I am the deponent herein and as such I am well acquainted with the facts of the case. I am filing this counter affidavit on behalf of 2nd Respondent as I am authorized to do so. I have read the affidavit filed by the petitioner herein and I deny various allegations made therein except those


 PLANNING OFFICER
 Hyderabad Metropolitan Development Authority


 DIRECTOR PLANNING
 Hyderabad Metropolitan Development Authority

which are specifically admitted herein. Hence, the petitioner is put to strict proof of the same.

1. In reply to the Paras 1, 2, 3 and 4 of the affidavit, it is respectfully submit that the Petitioner is stating about his title to the subject property. The same may be put to a strict proof.

2. In reply to Para No.5 of the affidavit, it is submitted that this respondent has issued building permission for construction of Residential Apartment consisting of Amenities Block with 1 Cellar + 1 Stilt + 4 upper floors and 4 Apartment Blocks (A, B, C & D) with 1 Stilt + 5 upper floors in Survey No.276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 of Ameenpur Village, Ameenpur Municipality Mandal, Sanga Reddy District in an extent of 9,914.75 Sq.Mts (Ac. 2.45) vide Application No. 038956/SKP/R1/U6/HMDA/10092020, dt. 24.03.2021. This Building permission was issued based on the Master Plan, as well as Village Map available with this Respondent office, and as per Village Map and Master Plan available with this office there is no Nala passing through the petitioner's site.

3. In reply to Para No.6 to 10 of the affidavit, it is submitted that after issue of the above permission, this office received complaint vide representation dt.16.07.2021 from Sri P. Prabhakara Rao, President of Green Villas Colony,


DIRECTOR OF PLANNING

PLANNING
Hyderabad


DIRECTOR OF PLANNING
Hyderabad

Ameenpur and also received another complaint vide representation dt.17.07.2021 from Krishna Brundavan Association alleging that a Nala is present in between Sy.No. 266, 277, 314 & 315 and the Petitioner has blocked the Nala and constructing the apartment and have concealed the Nala information and requested this office to cancel the building permission.

4. It is respectfully submitted that the above complaints have been examined by this Respondent office and while enclosing copies of above complaints, the SE, I.B & CAD Division, Irrigation Department has been requested vide this office letter dt. 07.08.2021 to examine the complaints and offer remarks whether the Nala is passing through the above survey numbers under reference and also furnish sketch plan showing the same for taking further action in the matter.

5. It is respectfully submitted that in response to the above letter, the E.E, Irrigation Divisions in his letter No. EE/ID/SRD/DB/DEE(T)/HD2/305/2, dt. 17.08.2021 stated that the surplus channel is being diverted by the pattedars of the land in Sy.No. 276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1, 314/C1/2, 314/C1/3, 314/C1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315, 353 & 354 in which surplus course is flowing which is causing inundation of the surrounding buildings and the diverted water is flowing on the roads which may spread the seasonal diseases.


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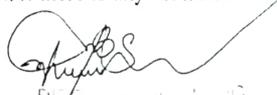

DIRECTOR PLANNING
Hyderabad Metropolitan Development Authority

6. It is respectfully submitted that on receipt of above report from the E.E. Irrigation Division, this Respondent has taken immediate action and the permission granted by this Respondent in favour of Petitioner herein vide Lr.No. 038956/SKP/R1/U6/HMDA/10092020, dt. 24.03.2021 was kept in abeyance vide this office letter dt.21.08.2021 until further orders and further directed the Petitioner to not to proceed with construction work until further orders from this respondent office.

7. It is respectfully submitted that in the meantime, the Human Rights & Consumer Protection Cell Trust, Represented by Sri Thakur Rajkumar Singh and Krishna Brundavan Association represented by Sri K.Ramesh filed a case in O.A.No.192 of 2021 before the Hon'ble NGT, Chennai against the Technical Approval given by the HMDA, Hyderabad to Petitioner herein i.e., M/s Lalitha Constructions.

8. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ), Chennai taking into consideration, the applications filed by the above said Petitioners, passed orders in O.A.No.192 of 2021 dated 27.08.2021 appointing a joint committee comprising of the District Collector, Sangareddy, Senior Officer from Irrigation Department, Sangareddy District and Senior Officer from Lake Protection Committee, Hyderabad to ascertain the genuineness of the allegations made in the application by inspecting the area in question and submit a factual as well as action taken report, if there is any violation found.


PLANNING
Hyderabad


District Collector
Hyderabad

9. In compliance of the orders dt. 27.08.2021 passed by Hon'ble National Green Tribunal, Chennai in O.A. No. 192 of 2021, the District Collector has constituted a Joint Committee with the officials of HMDA and Irrigation Department and inspected the site on 01.09.2021 & 02.09.2021. During the course of Joint Inspection it is noticed that flood water channel stream from Kothacheruvu is identified as passing in Sy.Nos. 319, 318, 317, 316, 315, 343/3, 350, 351, 352, 353, 396, 393, 392, 376 and 375 of Ameenpur Village and finally enters into BandamKommuCheruvu. Further, the Committee noticed that the encroachments and constructions are observed in the flood water stream and its buffer area duly diverting the surplus course by dumping the soils and also reducing the width of the surplus course thereby partially obstructing the flow of water. The alignment of said surplus course is not shown in Revenue Village Map and in Irrigation Department map. As per the physical inspections and from Google maps extracts it is noticed that the said surplus course is passing through the aforesaid survey numbers. On physical verification and as per the latest flood data the width of the surplus course is considered as 9.60 mts with 2.0 mts of buffer zone applicable on either sides as per the conditions stipulated under G.O. Ms. No. 168 of MA&UD Department, dt. 07.04.2012 and upon demarcation the extent of land affected under the surplus course and buffer zone in Sy.No. wise are as tabulated in report of the Joint Committee 01.09.2021 & 02.09.2021 therein. Out of the survey numbers mentioned in the inspection



DISTRICT COLLECTOR

Hyderabad Municipal Corporation



DIRECTOR PLANNING

Hyderabad Municipal Corporation

report, the Sy.No. 315 of Lalitha Constructions is affecting to an extent of Ac.0.01 Gts under flood water nala and buffer of nala to an extent of Ac.0.01 Gts.

10. The Joint Committee found that in Sy.No. 315 M/s. Lalitha Constructions has made some construction (like Club House) in the alignment of surplus (like club house) in the alignment of surplus, channel and buffer zone. whereas, Lalitha Constructions have applied for building permission to an extent of 9,914.75 Sq.mts 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 & 315 of Ameenpur Village & Mandal, Sangareddy District and concluded the meeting on 13.09.2021 vide Lr.No. D1/1365/2021, dt. 13.09.2021 directing the officials of HMDA and Irrigation Department to take necessary measures in order to protect the waterbodies as well as necessary action as per rules in force to remove encroachments found if any in the waterbodies and the Joint Committee also prepared report vide Proc. No. D1/1365/2021, dt. 17.09.2021 taking into account the above encroachments and in light of the orders of the Hon'ble National green tribunal (SZ), Chennai, the Committee felt necessary to direct the concerned for removal encroachments expeditiously and restore the water body to its original state and to prevent inundation and water logging in the residential areas and public pathways and


PLANNING
Hyderabad, M. P. Srinivas


Hyderabad, M. P. Srinivas

issued directions to the officials concerned to immediately act on the above instructions. Based on the report of Committee, the District Collector, Sangareddy in the Proceedings No. DI/1365/2021 Dt. 17.09.2021 have stated that surplus course is passing through the applicant / petitioner's site and requested to take necessary further action in this matter.

11. Further, in pursuance of the letter dt. 17.09.2021 of the District Collector, this office issued show cause notice on dt. 25.09.2021 to the petitioner to show cause as to why the Building Permission issued by this office vide Application No. 038956/SKP/R1/U6/HMDA/ 10092020, dt. 24.03.2021 shall not be revoked on the grounds of suppression of facts. Further the Tahsildar Ameenpur (village and mandal), i.e., 4th respondent herein has also issued notice No B/1273/2021 Dt 25.09.2021 to the petitioner herein directing him to submit the explanation as to why the structures made in the FTL / buffer area should not be dismantled.

12. It is respectfully submitted that aggrieved by the above show cause notice and the abeyance orders issued by this respondent, the Petitioner herein i.e., M/s. Lalitha Constructions approached this Hon'ble Court and filed W.P. No. 25246 of 2021 and obtained interim orders from this Hon'ble Court restraining the respondents from taking any coercive steps against the petitioner.


DIRECTOR PLANNING
Hyderabad Metropolitan Development Authority


DIRECTOR PLANNING
Hyderabad Metropolitan Development Authority

13. In reply to Para No.11 & 12 of the affidavit, it is respectfully submitted that the Petitioner may be put to a strict proof of the same.

14. It is respectfully submitted that this answering respondent is very much cautious, diligent, and has been following the provisions of the HMDA Act, 2008, and is acting in accordance with law. Hence, there is not inaction the part of this answering respondent. It is further submitted that this answering respondent reserves is liberty to file an additional counter affidavit if the necessity arises.

Therefore, it is prayed that this Hon'ble Court may be pleased to Vacate the interim orders dated 05-10-2021, I.A.No. 1 of 2021 in Writ Petition No.25256of 2021 in the interest of justice and pass such other order or orders that may deem fit and proper in the circumstances of the case.

Sworn and signed
before me on this
the day of March, 2022
at Hyderabad.


ATTESTOR/HYDERABAD,
PLANNING OFFICER,
Hyderabad Metropolitan Development Authority


DEPONENT.

DIRECTOR,
Hyderabad Metropolitan Development Authority

VERIFICATION

I. S. Balakrishna, S/o Late Badraiah, aged about 50 years, Occ: Government Employee, I am working as Director Planning-I off Hyderabad Metropolitan Development Authority (HMDA), Hyderabad, do hereby declare that the facts stated in the above paragraphs are true to the best of my knowledge and the contents in the prayer paragraph are based on legal advice and believed to be correct.

Hence, verified on this the day of March, 2022 at Hyderabad.

Counsel for the Respondent No.2



DEPONENT
DIRECTOR PLANNING
Hyderabad Metropolitan Development Authority



HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY
Swarnajayanthi Commercial Complex, Ameerpet, Hyderabad -500082

Lr.No. 038956/SKP/R1/U6/HMDA/10092020

Date:21 -08-2021

To
M/s Lalitha Constructions and Developers
Represent by its proprietor Sri Kaila Narasimha
Ho.No.20-1532, Papireddy Colony, Ranga Reddy District
Hyderabad - 500 019

Sir,

Sub:- HMDA - Plg - SKP - Objection for construction of apartments by obstructing the Nala in Sy.No. 276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sangareddy District by M/s. Lalitha Constructions and Developers - Request to conduct survey and take action - Reg.

- Ref:- 1) Letter No.038956/SKP/R1/U6/HMDA/10092020, dt.24.03.2021 issued permission.
2) Representation dt.16.07.2021 received from Sri P. Prabhakar Rao, President, Green Villas Colony, Ameenpur.
3) Representation dt.17.07.2021 received from Krishna Brundhavan Association.
4) Lr.No. 038956/SKP/R1/U6/HMDA/100920, Date:07-08-2021 addressed to SE,IB & CAD Division, Irrigation dept.,
5) Letter from EE, Irrigation Division No.1, Lr.No.EE/ID/SRD/DB /DEE(T)/HD2/3045/2, Dt:17/08/201

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This office vide reference 1st cited, issued building permission for construction of Residential Apartments consisting of Amenities Block with 1 Cellar + 1 Stilt + 4 upper floors and 4 Apartment Blocks (A,B,C & D) with 1 Stilt + 5 upper floors in Survey No.276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 of Ameenpur Village, Ameenpur Municipality Mandal, Sanga Reddy District to an extent of 9,914.75 Sq. Mts., in favour of M/s.Lalitha Constructions and Developers, represented by its Proprietor Mr. Kaila Narsimhha.

The above permission was issued based on the Master Plan, as well as Village Map available with this office.

After issue of the above permission, this office received complaint vide reference 2nd & 3rd cited, alleging that a Nala is present in between Sy.No. 266, 277, 314 & 315, the builder blocked the Nala and constructed the apartment. The builder concealed the Nala information, moreover he has not been sanctioned NOC by Irrigation Department. Hence, requested this office to cancel the building permission.

While enclosing copies of complaint, SE, I.B & CADD Division, Irrigation department was requested vide reference 4th cited to examine complaints and offer remarks whether the Nala is passing through the survey numbers under reference along with sketch plan for taking further action in the matter.

In reply to the above letter, the EE/ID/SRD/DB/DEE(T)/HD2/305/2 Dt.17.08.2021 vide reference 5th cited stated that the surplus channel is being diverted by the pattadars of the land in Sy.No.276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315, 353, 354 in which the surplus course is flowing which is causing inundation of the surrounding buildings and the diverted water is flowing on the roads which may spread the seasonal diseases.

In view of the above, the matter is under examination and the permission granted by this office in favour of M/s Lalitha Constructions and Developers represent by its proprietor Sri Kaila Narasimha vide Lr.No.038956/SKP/R1/U6/HMDA/10092020, dt.24.03.2021 is 'kept in abeyance' until further orders. Further you are directed to not proceed with construction work until further orders from this office.

Yours faithfully,


for Metropolitan Commissioner/
Director (Planning)-I.
21/8/21

Copy to:

The Commissioner, Ameenpur Municipality – for information and N/A.

The Superintendent Engineer, IB & CADD Division, Irrigation Department.

కె.వెంకటేశ్వర్

9000818888

21-8-21

IN THE HIGH COURT OF JUDICATURE
FOR THE STATE OF TELANGANA
AT HYDERABAD

W.P. 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 Secnaiah,
Aged 44 years 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 and 9 others
Rep by its Principal Secretary Revenue Department Secretariat
Hyderabad.
2. Tahsildar, Ameenpur Village & Mandal.
3. The Commissioner, Hyderabad Metropolitan Development Authority.
4. The District Collector, Sangareddy District.
5. The Revenue Divisional Officer,
Sangareddy Division, Sangareddy District.
6. The Executive Authority
Department of Irrigation & CAD, Sangareddy District.
7. The Superintendent Engineer
IB and CADD Division Irrigation Department Sanga Reddy District
Sanga Reddy.



PLANNING OFFICER
Hyderabad Metropolitan Development Authority



DIRECTOR PLANNING
Hyderabad Metropolitan Development Authority

8. The Commissioner,
Ameenpur Municipality.

9. Krishna Bhruindhavan Association
Represented by its President K Ramesh S/o Narasimha Ramulu Aged
about 37 years Occ IT employee R/o Bandamkommu Plot No 52S Krishna
Brundhavan Colony Ameenpur Sanga Reddy District.

10. Green Villas Colony
Rep by its president Sri P Prabhakar Rao S/o Unknown R/o Plot No 113 H
No 5r1001104 Ameenpur Village and Mandal Sanga Reddy District

....Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT No.3

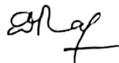
I, S. Balakrishna, S/o Late Badraiah, aged about 50 years, Occ; Government Employee, I am working as Director Planning – I of Hyderabad Metropolitan Development Authority (HMDA), Hyderabad, do hereby solemnly affirm and sincerely state on oath as follows.

I. I respectfully submit that I am the 3rd respondent herein and as such I am well acquainted with the facts of the case. I am filing this counter affidavit on behalf of Respondent No. 3 as I am authorized to do so. I have read the affidavit filed by the Petitioners herein and I deny various allegations made therein except those which are specifically admitted herein. Hence, the Petitioner is put to strict proof of the same.




DIRECTOR PLANNING
HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY

2. In reply to the Paras 1, 2, 3 and 4 of the affidavit, it is respectfully submit that the Petitioner is stating about his title to the subject property. The same may be put to a strict proof.
3. In reply to para 5 of the affidavit, it is respectfully submitted that this Respondent has issued building permission to Petitioner for construction of Residential Apartment Building consisting of one Amenities Block with 1 Cellar + 1 Stilt floor + 4 upper floors and 4 Apartment Blocks (A,B,C & D) with 1 Stilt floor + 5 upper floors in Survey No.276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 of Ameenpur Village, Ameenpur Municipality Mandal, Sanga Reddy District in an extent of 9,914.75 Sq.Mts (Ac. 2.45) vide Application No. 038956/SKP/R1/U6/HMDA/10092020, dt. 24.03.2021. This Building permission was issued based on the Master Plan, as well as Village Map available with this Respondent office, and as per Village Map and Master Plan available with this office there is no Nala passing through the petitioner's site.
4. In reply to the Paras 6, 7 & 8 of the affidavit, it is respectfully submitted that after issue of the above Building permission, this Respondent has


PLANNING OFFICER
Hyderabad Municipal Corporation


DEPUTY COMMISSIONER
Hyderabad Municipal Corporation

received complaint vide representation dt. 16.07.2021 from Sri P. PrabhakaraRao, President of Green Villas Colony, Ameenpur and also received another complaint vide representation dt. 17.07.2021 from Krishna Brundavan Association alleging that a Nala is present in between Sy.No. 266, 277, 314 & 315 and the Petitioner has blocked the Nala and constructing the apartment and have concealed the Nala information and requested this respondent office to cancel the building permission.

5. It is respectfully submitted that the above complaints have been examined by this Respondent office and while enclosing copies of above complaints, the SE, I.B & CAD Division, Irrigation Department has been requested vide this office letter dt. 07.08.2021 to examine the complaints and offer remarks whether the Nala is passing through the above survey numbers under reference and also furnish sketch plan showing the same for taking further action in the matter.

6. It is respectfully submitted that in response to the above letter, the E.E, Irrigation Divisions in his letter No. EE/ID/SRD/DB/DEE(T)/HD2/305/2, dt. 17.08.2021 stated that the surplus channel is being diverted by the pattedars of the land in Sy.No. 276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1, 314/C1/2, 314/C1/3, 314/C1, 314/C1/2, 314/C1/3, 314/C1/4,



DIRECTOR P. W. S.
HYDRABAD

314/C2 & 315, 353 & 354 in which surplus course is flowing which is causing inundation of the surrounding buildings and the diverted water is flowing on the roads which may spread the seasonal diseases.

7. It is respectfully submitted that on receipt of above report from the E.F, Irrigation Division this respondent has taken immediate action and the permission granted by this respondent in favour of Petitioner herein vide Lr.No. 038956/SKP/R1/U6/HMDA/10092020, dt. 24.03.2021 was kept in abeyance vide this office letter dt.21.08.2021 until further orders and further directed the Petitioner to not to proceed with construction work until further orders from this respondent office.
8. It is respectfully submitted that in the meantime, the Human Rights & Consumer Protection Cell Trust represented by Sri Thakur Rajkumar Singh and Krishna Brundavan Association represented by Sri K.Ramesh filed a case in O.A.No.192 of 2021 before the Hon'ble NGT, Chennai against the Technical Approval given by the HMDA, Hyderabad to Petitioner herein i.e., M/s Lalitha Constructions.
9. It is respectfully submitted that the Hon'ble National Green Tribunal (SZ), Chennai taking into consideration, the applications filed by the



Director of Planning
Hyderabad

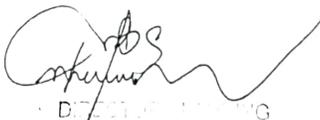


DIRECTOR OF PLANNING
Hyderabad

above said Petitioners, passed orders in O.A.No.192 of 2021 dated 27.08.2021 appointing a joint committee comprising of the District Collector, Sangareddy, Senior Officer from Irrigation Department, Sangareddy District and Senior Officer from Lake Protection Committee, Hyderabad to ascertain the genuineness of the allegations made in the application by inspecting the area in question and submit a factual as well as action taken report, if there is any violation found.

10. In compliance of the orders dt. 27.08.2021 passed by Hon'ble National Green Tribunal, Chennai in O.A. No. 192 of 2021, the District Collector has constituted a Joint Committee with the officials of HMDA and Irrigation Department and inspected the site on 01.09.2021 & 02.09.2021. During the course of Joint Inspection it is noticed that flood water channel stream from Kothacheruvu is identified as passing in Sy.Nos. 319, 318, 317, 316, 315, 343/3, 350, 351, 352, 353, 396, 393, 392, 376 and 375 of Ameenpur Village and finally enters into BandamKommuchervu. Further, the Committee noticed that the encroachments and constructions are observed in the flood water stream and its buffer area duly diverting the surplus course by dumping the soils and also reducing the width of the surplus course thereby partially


P. LAKSHMI NARAYANAN
District Collector
Hyderabad District


P. LAKSHMI NARAYANAN
District Collector
Hyderabad District

obstructing the flow of water. The alignment of said surplus course is not shown in Revenue Village Map and in Irrigation Department map. As per the physical inspections and from Google maps extracts it is noticed that the said surplus course is passing through the aforesaid survey numbers. On physical verification and as per the latest flood data the width of the surplus course is considered as 9.60 mts with 2.0 mts of buffer zone applicable on either sides as per the conditions stipulated under G.O Ms. No. 168 of MA&UD Department, dt. 07.04.2012 and upon demarcation the extent of land affected under the surplus course and buffer zone in Sy.No. wise are as tabulated in report of the Joint Committee 01.09.2021 & 02.09.2021 therein. Out of the survey numbers mentioned in the inspection report, the Sy.No. 315 of Lalitha Constructions is affecting to an extent of Ac.0.01 Gts under flood water nala and buffer of nala to an extent of Ac.0.01 Gts.

11.The Joint Committee found that in Sy.No. 315 M/s. Lalitha Constructions has made some construction (like Club House) in the alignment of surplus (like club house) in the alignment of surplus, channel and buffer zone, whereas, Lalitha Constructions have applied for building permission to an extent of 9,914.75 Sq.mts in Sy.Nos. 276/B,


PLANNING OFFICER
Hyderabad Municipal Corporation


DISTRICT ENGINEER
Hyderabad Municipal Corporation

277. 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 of Ameenpur Village & Mandal, Sangareddy District and concluded the meeting on 13.09.2021 vide Lr.No. D1/1365/2021, dt. 13.09.2021 directing the officials of HMDA and Irrigation Department to take necessary measures in order to protect the water bodies as well as necessary action as per rules in force to remove encroachments found if any in the waterbodies and the Joint Committee also prepared report vide Proc. No. D1/1365/2021, dt. 17.09.2021 taking into account the above encroachments and in light of the orders of the Hon'ble National green tribunal (SZ), Chennai, the Committee felt necessary to direct the concerned for removal encroachments expeditiously and restore the water body to its original state and to prevent inundation and water logging in the residential areas and public pathways and issued directions to the officials concerned to immediately act on the above instructions. Based on the report of Committee, the District Collector, Sangareddy in the Proceedings No. D1/1365/2021 Dt. 17.09.2021 have stated that surplus course is passing through the applicant / petitioner's site and requested to take necessary further action in this matter.



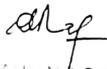
DISTRICT COLLECTOR
SANGAREDDY



DIRECTOR, PLANNING
Hyderabad Municipal Corporation

12. In pursuance of the letter dt. 17.09.2021 of the District Collector, this office issued show cause notice on dt. 25.09.2021 to the petitioner to show cause as to why the Building Permission issued by this office vide Application No. 038956/SKP/R1/U6/HMDA/ 10092020, dt. 24.03.2021 shall not be revoked on the grounds of suppression of facts. Further the Tahsildar Ameenpur (village and mandal) i.e., 2nd respondent herein has also issued notice No.B/1273/2021 Dt 25.09.2021 to the petitioner herein directing him to submit the explanation as to why the structures made in the FTL / buffer area should not be dismantled.

13. It is respectfully submitted that aggrieved by the above show cause notice and the abeyance orders issued by this respondent the Petitioner herein i.e., M/s. Lalitha Constructions approached this Hon'ble Court and filed W.P. No. 25246 of 2021 and obtained interim orders from this Hon'ble Court restraining the respondents from taking any coercive steps against the petitioner. In view of the above, it is Prayed that this Hon'ble High Court may be pleased to dismiss the W.P and pass such order or orders this Hon'ble Court may deem fit


PLANNING OFFICER
Hyderabad Metropolitan Development Authority


DIRECTOR PLANNING
Hyderabad Metropolitan Development Authority

In view of the above, it is humbly prayed that this Hon'ble High Court may be pleased to dismiss the Writ Petition and pass such order or orders as this Hon'ble Court may deems fit in the interest of justice.

Sworn and signed before me on this
theday of March, 2022 at Hyderabad.

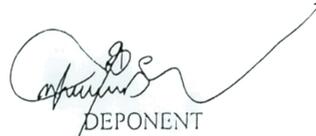

DEPONENT
DIRECTOR
Hyderabad


ATTESTER
DIRECTOR
Hyderabad

VERIFICATION

I, S. Balakrishna, S/o Late Badraiah, aged about years. Occ: Government Employee, I am working as Director Planning – I, of Hyderabad Metropolitan Development Authority (HMDA), Hyderabad, do hereby declare that the facts stated in the above paragraphs are true to the best of my knowledge and the contents in the prayer paragraph are based on legal advice and believed to be correct. Hence, verified on this the day of March, 2022 at Hyderabad.

Counsel for the Respondent No. 3


DEPONENT
DIRECTOR PLANNING
Hyderabad Metropolitan Development Authority

DISTRICT: RANGA REDDY

HIGH COURT FOR THE
STATE OF TELANGANA
ATHYDERABAD

W. P. No. 25246 OF 2021

COUNTER AFFIDAVIT FILED ON
BEHALF OF RESPONDENT No. 3

Filed on:

Filed by:

Y. RAMA RAO (16291)

STANDING COUNSEL FOR H.M.D.A

COUNSEL FOR RESPONDENT No. 3

DISTRICT: SANGA REDDY

HIGH COURT FOR THE
STATE OF TELANGANA
ATHYDERABAD

W. P. No. 25256OF 2021

COUNTER AFFIDAVIT FILED BY
RESPONDENT No.2

Y. RAMA RAO (16291)
STANDING COUNSEL FOR
H.M.D.A
COUNSEL FOR RESPONDENT No.2