

BEFORE THE NATIONAL GREEN TRIBUNAL , SOUTHERN ZONE

CHENNAI

OA No.66/2022

BETWEEN

N.Rajagopal Reddy

..... Applicant

AND

Deputy Commissioner and others

Respondents

The advocate for the respondent 7 & 8 submits English translation of documents submitted earlier which are marked as R1 to R8

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Bangalore
29.11.2022



Advocate for Respondents'
No7 & 8

TRANSLATED COPY OF ANNEXURE - R-1

Government of Karnataka

**OFFICE OF THE TAHSILDAR, GOURIBIDANUR
TALUK, GOURIBIDANUR.**

No. L.N.D.C.R./42/2019-20.

Dated: 09-09-2019.

OFFICIAL MEMORANDUM

Sub:- Construction of culvert across Mooganahalli pit near S.No.33/1A of Gotakanapura village, Kasaba Hobli, Gouribidanur taluk regarding.

Ref:- 1) Letter No. Sasaba/A.E-1/Gouribidanur/ Mooganahally pit culvert formation/461 2019 dated: 29-08-2019 of the Minor Irrigation and Underground Water Development Department sub division, Chikkaballapur.

2) Report No. R.I.K.P.R./318/19-20, dated: 04-09-2019 of the Revenue Inspector, Kasaba Hobli.

With reference to the above subject seeking permission for construction of culvert across Mooganahally pit, near S.No. 33/1A of Gotakanapura village, Kasaba Hobli, Gouribidanur taluk, Sri. N.M.

Ravinarayana Reddy, son of late Madanagopala Reddy has submitted the application.

Accordingly, on inspection and as per the reference letter, the report submitted that the proposed land passing through from bypass road to his land and in between this there is culvert . The land stated by the applicant has been already converted for residential purpose. Hence by obtaining the approval to the sketch of the link bridge, as per the approved sketch it can be constructed outside the building line of the road.

Therefore, for formation the culvert by forming of the road to approach to the converted land area from the pit for movement by the public in 1.08 gunta of land in S. No.33/1A of converted land of Gotakanapura village, Kasaba Hobli, by formation of culvert without storage of water in the pit existing now, subject to the following conditions, the permission is issued.

CONDITIONS:

1. Not making to reduce the size surrounding the pit, the bridge shall be constructed with own cost.
2. The culvert shall be constructed at minimum 3 feet in height from the land.

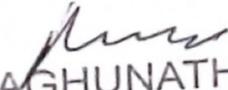
3. The said bridge belongs to the Government and to the public and except this for any reason it will not be your own bridge.
4. The said bridge shall be free for movement by the public .
5. By preparing the estimate and sketch of the over bridge, the approval has to be obtained from the Minor Irrigation Department.
6. At the time of construction of the culvert, by leaving the measurements of the canal, the construction can be made.
7. Prior to construction and later in the canal the water flowing space should not be obstructed .
8. During the spot inspection, it appeared the existence of Mooginahalla in between the bypass road and to the land . At the time of construction of the culvert, no any damage should be caused to this.

Sd/-9/9/19
Tahsildar,
Gouribidanur Taluk.

To

Sri.N.M.Ravinarayana Reddy
Son of late Madanagopala Reddy,
H. Nagasandra village,
Kasaba Hobli,
Gouribidanur taluk.

/Translated by me from Kannada language/


RAGHUNATH D.
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No.363, 7th Block, 6th Main, 2nd Stage
Nagarabhavi, Bangalore - 560 072.

TRANSLATED COPY OF ANNEXURE – R-2

GOVERNMENT OF KARNATAKA
MINOR IRRIGATION AND UNDERGROUND
DEVELOPOMENT DEPARTMENT

Office of the Assistant Executive Engineer,
Minor Irrigation and Underground Development
Sub division, Chikkaballapur.

No. Sasaba/Tamsha/A.E-1/N.O.C.178/2020-21. Dated: 17-03-2021.

To
Sri. M.N. Ravinarayana Reddy,
H. Nagasandra village,
Gouribidanur taluk, Chikkaballapur District.

Sir,

Sub: Giving permission for construction of
culvert with own expenditure regarding.

Ref: 1) Your letter dated 4-03-2021.

2) Letter No. GPA/Vinyasa/05/2019-20/
254 dated : 18-01-2021 of Gouribidanur
Planning Authority.

3) This office letter No. Sasaba/C-1/
Gouribidanur/Mooganahalla culvert
Formation/461/dated 29-08-2019.

4) Letter No. L.N.D.C.R./42/2019-20,
dated: 09-09-2019 of the office of the
Tahsildar, Gouribidanur.

5) Your requisition letter dated: 23-08-2021

6) This office letter No. 149/2020-21,
dated: 08-03-2021 .

7) Letter of the Executive Engineer,
Minor Irrigation and Underground
Development Division, Chikkaballapur

With reference to the above subject, Mooganahalla adjacent to land in Survey No. 33/2A of Gotakanapura village, Kasaba Hobli, Gouribidanur taluk flows further and reaches Uttara Pinakini river. Adjacent to this pit one side there is Sy. No.33/2A and in another side, there is road from Gouribidanur to Hindupur side. For this land as there is no any approach road to the land of Sy. No.33/2A from the road, for construction of culvert with his own cost the owner of the land has requested the office of the Assistant Executive Engineer, Minor Irrigation and Underground Development Sub division, Chikkaballapur through the letter under reference(1).

Further, for the land to the total extent of 2 acre 11 gunta of Sy. No.33/2A of the village, Kasaba Hobli, Gouribidanur taluk, for conversion of land for residential purpose, as per Section 17 of Town and Country Planning Act and under Rule 36 of Karnataka Planning Authorities the Gouribidanur

Planning Authority, Gouribidanur has made the order.

In the representation under reference(3) , you have requested for formation of culvert across the said pit for public use. As per your request, under reference (3), from this office, the letter has been written to Tahsildar, Gouribidanur taluk, Chikkaballapur district, there upon on conducting the spot inspection it appeared that the land of Sy. No. 33/2A is adjacent to Mooganahalla, since it has not been possible to know correctly the width of the pit, request was made that by sending the Surveyor by conducting the survey of Mooganahala, without causing any damage to the Government pit and by designing as per the quantity of water, for formation of the culvert, by verifying about the proper necessity and to take action.

As above, as per the Official Memorandum under reference (4) of the Office of the Tahsildar, Gouribidanur for the purpose of movement of the public, for formation of road to go to the area of land converted from the pit, the permission has been given that not storage of water to the pit, formation of the culvert for free flow of water. Hence as per the rules, after formation of the culvert the said

lands are having link road of 30.00 M width from the bye pass road. And adjacent to the present lands, for the land of S. No. 7/1, 2, 3, 45 of Putaparahalli village on the West direction, as per the order No. Ngayo/ikaa-01/Tamshakhe/19/Vinyasa2013-14/509/ dated 10-09-2013 of the Joint Director, Bangalore division, Bangalore by intimating some conditions to the layout plan, given the approval.

As per reference (2) the Gouribidanur Planning Authority, Gouribidanur as per Section 17(2A) of Karnataka Town and Country Planning Act of 1961, only for development of the residential layout plan subject to some conditions, the provisional approval has been given. As per the extract of condition 5 of this letter " for formation of culvert to Mooganahalla adjacent to the said land, as per the permission given by the office of the Tahsildar, Gouribidanur and the Assistant Executive Engineer, Minor Irrigation and Underground Development Sub division, Chikkaballapur, intimated that as per the rules, it shall be got constructed b the applicant as per rules and to submit the attestation certificate."

In the background of all the above issues, for the purpose of movement of public to the said land there is necessity of culvert to the said pit, for construction of culvert with own expenditure by the

owner of the land , Sri. Ravinarayana Reddy, you have requested for giving sanction of plan of culvert by enclosing along with the letter of requisition the necessary documents, photos, design, plans and estimate.

Accordingly, with your request letter, on inspecting the work place, by perusing the request given under reference (5) letter earlier, the letters of the Tahsildar, Gouribidanur taluk and Gouriidanur Planning Authority, enclosing with this letter, the request was made from this office to the Executive Engineer, Minor Irrigation and Underground Development division, Chikkaballapur for sanction of culvert plan by examining the details of water flow, design and plan.

Accordingly, from the Office of the Executive Engineer, Minor Irrigation and Underground Development division, Chikaballapur the concurrence given for issue of sanction of plan from this office for construction of culvert with own expenditure with the following conditions by the owner of land, Sri. Ravinarayana Reddy, Gouribidanur taluk.

1. The said culvert - shall be constructed as per the I.R.C. design and quality.

2. At the time of formation of the said culvert, by bringing to the notice of the Minor Irrigation and Underground development sub division office this work has to be commenced.
3. The place of construction at Mooganahalla, to take up the work of culvert adjacent to Sy. No 33/2A as instructed from the Revenue Department.
4. The maintenance of the said culvert shall be maintained with your own expenditure.
5. To take suitable action as instructed in the minimum survey sketch of the said culvert.
6. To see that no damage is caused to the Government properties.
7. For any damage to life during the construction work, yourself will be fully responsible.

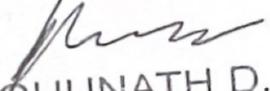
In the above background, it is hereby instructed that as there is no any link to your land in Sy. No. 33/2 A of Gotakanapura village , Kasaba Hobli, Gouribidanur taluk, for construction of culvert with your own cost, with the above

conditions, by giving the sanction to the plan submitted, if the said conditions are exceeded, the sanction given will be cancelled.

Yours faithfully,

Assistant Executive Engineer,
Minor Irrigation and Underground
Development Sub division,
Chikkaballapur.

/Translated by me from Kannada language/


RAGHUNATH D.
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No.363, 7th Block, 6th Main, 2nd Stage
Manarabhavi, Bangalore - 560 072.

TRANSLATED COPY OF ANNEXURE – R-3

Government of Karnataka

OFFICE OF THE TAHSILDAR, GOURIBIDANUR TALUK,
GOURIBIDANUR

No. A.L.N. P.R/131/2022-23. Dated: 10-08-2022.

To
The Deputy Commissioner,
Chikballapur District,
Chikkaballapur.
Sir,

Sub: Instruction about giving report whether the Road has been formed through the land of S. No. 82 of Puttapurlahally village, Kasaba Hobli, Gouribidanur taluk, Chikkaballapur District regarding.

Ref: Your office letter No. A.L.N.C.R. 109/2022-23 dated: 05-08-2022.

With reference to the above subject, relating to the lands of S. No. 33/2A and 33/2B of Gotakanapura village, Kasaba Hobli, Gouribidanur taluk, Sri N.Rajagopala Reddy has filed the Appeal Under Section 17(6) of Karnataka Town and Country Planning Act of 1961 before the Regional Commissioner, Bangalore division, Bangalore that relating to the said lands the

approval has been obtained for the residential layout plan of the Member Secretary, Gouribidanur Planning Authority, by Sri. N. M. Ravinarayana Reddy and Sri N. Shivakumar (now deceased) and for the said lands the road formed through S. No. 8/2 of Puttapurlahally village, Kasaba Hobli, accordingly, upon instructing under reference letter to conduct the survey of the lands in question and to give the report with opinion, on instructing the Taluk Surveyor to conduct the survey work about the said mater and to give the correct report along with the sketch, he has given the report that there is no any road in the land in S. N. 8/2 of Puttaparlahally village (Not formed) . The report and sketch given by the Taluk Surveyor are enclosed with this letter and submitted for your further perusal.

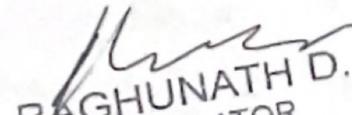
Yours faithfully,

Sd/-

Tahsildar,

Gouribidanur Taluk.

/Translated by me from Kannada language/


RAGHUNATH D.
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No.363, 7th Block, 6th Main, 2nd Stage
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TRANSLATED COPY OF ANNEXURE - R-4

Government of Karnataka

OFFICE OF THE TAHSILDAR, GOURIBIDANUR TALUK,
GOURIBIDANUR

No. A.L.N. P.R/131/2022-23. Dated: 08-08-2022.

MEMORANDUM

Sub: Instruction about giving report whether the Road has been formed through the land of S. No. 82 of Puttapurlahally village, Kasaba Hobli, Gouribidanur taluk, Chikkaballapur District regarding.

Ref: Letter No. A.L.N.C.R. 109/2022-23 dated: 05-08-2022 of the Deputy Commissioner, Chikkaballapur district, Chikkaballapur.

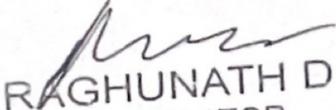
With reference to the above subject, relating to the lands of S. No. 33/2A and 33/2B of Gotakanapura village, Kasaba Hobli, Gouribidanur taluk, Sri. N.Rajagopala Reddy has filed the Appeal Under Section 17(6) of Karnataka Town and Country Planning Act of 1961 before the Regional Commissioner, Bangalore division, Bangalore that relating to the said lands the approval to the residential layout plan has been obtained from the

Member Secretary, Gouribidanur Planning Authority by Sri. N.M. Ravinarayana Reddy and Sri. N. Shivakumar(now deceased) for the said lands the road formed through S.No. 8/2 of Purtapurlahally village, Kasaba Hobli, in this regard, the instruction given under reference letter to give the report with clear opinion by conducting the survey work of the lands in question , accordingly, you are instructed to conduct the survey work and whether the road formed through S. No. 8/2 of Puttapurlahally village or not and to give the clear report immediately.

Sd/-
Tahsildar,
Gouribidanur Taluk.

To
The Taluk Surveyor,
Gouribidanur taluk.

/Translated by me from Kannada language/


RAGHUNATH D.
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No.363, 7th Block, 6th Main, 2nd Stage
Mangarshavi, Bangalore - 560 072.

TRANSLATED COPY OF ANNEXURE – R-5

GOURIBIDANUR PLANNING AUTHORITY
Besides:Dr. H.N. Kalabhavan,
V.V. Puram, Gouribidanur -561 208.

FORM – VIII
[(Rule-17-A(2))]

No. GPA/Layout/05/2019-20/76. Dated: 17 MAY 2022.

NOTICE ABOUT PAYMENT OF FEE

Sub:- Giving approval to the modified residential layout plan of the land to the extent of 01 acre 03 gunta in S.No.33/2A and 1 acre 08 gunta in S. No. 33/2B, totally 02 acres 11 gunta of converted land of Gotakanapura village, Kasaba Hobli, Gouribianur taluk regarding.

Ref:- 1. Your appeal dated: 03-01-2022.
2. Decision under subject no.07 of the 18th General meeting of the Authority held on 12.05.2022.

With reference to the above subject relating to giving approval to the modified residential layout plan of the converted land of 01 acre 03 gunta in S.No.33/2A and 1 acre 08 gunta in S. No. 33/2B, totally 02 acres 11 gunta of Gotakanapura village,

Kasaba Hobli, Gouribianur taluk the proposal of reference (1) was placed in the meeting under reference (2), decided to give the approval to the modified provisional residential layout plan.

As per the decision of the meeting, relating to giving the approval to the modified provisional residential layout plan, under section 18 of Karnataka Town and Country Planning Act, of 1961, the following fees have to be paid.

Sl. No.	Details of fees	Amount payable in Rupees	Amount paid in Rupees	Difference in Rupees.
1	Scrutiny fee	14,820/-	4610/-	10,210/-
2	Fee for copies of sketch of Rs.500/- per copy (totally 4 plans)	2750/-	750/-	2,000/-
3	Betterment fee (0.5% x guidance value).	55240/-	55240/-	---
4	Cess/surcharge (for water supply + ring road purpose + slum area improvement)=0.2+0.2+0.1 (0.5% x guidance value) =	55240/-	55240/-	---
	D.D. amount to be obtained	---	---	12,210/-
5.	Lake rejuvenation fee	92,070/-	92,070/-	---
	2 nd D.D. amount to be obtained.	92,070/-	92,070/-	---

Relating to giving approval to the said modified provisional residential layout plan, it is hereby instructed to obtain and submit the D.D. for the

3

above fees in the name of Member Secretary,
Gowribidanur Planning Authority, Gowribidanur) to
this office within 90 days of receipt of this letter.

Sd/-

Member Secretary,
Gowribidanur Planning Authority,
Gowribidanur.

To

Sri. Ravinarayana Reddy,
Gowribidanur
Chikkaballapur District.

/Translated by me from Kannada language/


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No.363, 7th Block, 6th Main, 2nd Stage
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TRANSLATED COPY OF ANNEXURE – R-6

Government of Karnataka

OFFICE OF THE DEPUTY COMMISSIONER,
CHIKKABALAPUR DISTRICT, CHIKKABALLAPUR.

No. A.L.N.(Gow)LR/108/2014-15. Dated: -06-2019.

Annexure-3

NOTICE

Sub: Request made for conversion of land of
1-0 acre of S.No. 33/2A of Gotakanapura
village, Kasaba Hobli, Gowribidanur taluk
for residential purpose regarding.

Your application submitted on 7-11-2014 seeking
conversion of land to the extent of 1-03 acre in Sy. No.
33/2A of Gotakanapura village, Kasaba hobli,
Gowribidanur taluk for residential purpose has been
examined and in this regard the land conversion fee
and podi fee as noted below be paid to the
Government, with the agreement on stamp paper of
Rs.100/- (Rupees one hundred only) as per Annexure-
8, be produced along with the fee paid challan within
15 days , and shall obtain the order of land conversion.

1. If the challan, agreement about payment of land
conversion fee within the fixed period, your
application will be rejected.

2. At the time of conversion of agricultural land, you are intimated to remit the land conversion fee through Treasury-2 challan in a single way to the state exchequer.
3. Note: If the difference in this accounts calculation appears, shall be binding to pay the amount to the Government as per the re calculation.

Sy. No.	Extent Acre-Gunta	Details of payment of the money	Amount Rs. Ps.
33/2A	1-03	1.Land conversion fee	23,414-00
		2.Podri measurement fee and record of right entry fee.	127-00
Total	1-03	Total	23,541-00

Special instructions: By paying Rs.11,707/- additionally S.B.I. maintained in District Administration Bhavan branch towards "Green Fund Account - 38325065833" to produce the challan separately.

Sd/-
Additional Deputy Commissioner
Chikkaballapur District.

To
Sri. N.M. Ravinarayana Reddy
S/o.N.Madanagopala Reddy,
H. Nagasandra, Kasaba Hobli,
Gowribidanur taluk.

/Translated by me from Kannada language/


RAGHUNATH D.
TRANSLATOR

No.363, 7th Block, 6th Main, 2nd Stage
Nagarabhavi, Bangalore - 560 072.

TRANSLATED COPY OF ANNEXURE - R - 7

IN THE COURT OF THE REGIONAL COMMISSIONER
AND REVISIONAL AUTHORITY, BANGALORE
DIVISION

CASE NO. RA/1/2019-20

Present : V.P. Ikkeri, I.A.S.,

Regional Commissioner,

Bangalore division, Bangalore.

PETITIONER

-VERSUS-

RESPONDENTS

Sri. N. Rajagopala Reddy
S/o.Late N. C. Nagalah
Reddy,
C-840/1, TAPCMS House,
Thyagaraja Colony,
Gowribidanur -561208.

1. Deputy Commissioner,
Chikkaballapur District,

2. Sri. S.M.Ravinarayana
Reddy, son of late N.
Madanagopala Reddy
H.Nagasandra village,
Kasaba Hobli,
Gowribidanur Taluk,
Chikkaballapur District-
-561208.

3.Sri. N. Shivakumar, son of
P. Nanjundappa,
Kodigehally village,
Bangalore North Taluk,
Bangalore-97.

FACTS OF THE CASE:

The petitioner by questioning the conversion of land to the extent of 1-03 acre in Sy. No. 33/2A and 1-08 acres in Sy. No. 33/2B in O.M. No. ALN (Gow)SR/119/2014-15 dated 01-07-2019 and O.M. No. AN(Gow) SR/110/2014-15 dated: 01-07-2019 respectively made in the name of the Respondent 2 and 3, filed the Revisional Appeal under section 56(3) of Karnataka Land Revenue Act of 1964, prayed for issue of stay order to the order in question.

As intimated in the said petition, while doing the conversion of the land in question, the Respondent-1 the Deputy Commissioner regarding approach road to the layout of the Respondent 2 and 3 i.e., the opinion report given by the Planning Authority that about in between Sy.No. 7/5 and by pass road of Puttapurlahally village, the land of the Petitioner in Sy.No. 8/2 and Government canal has not been considered, about the land of Sy.No. 7/5 of Puttapurlahally village, giving link to the land of S.No. 33/2A and 33/2B, which is pending for hearing before the Deputy Commissioner has not taken into consideration and prior to this relating to the land conversion as the dispute came though it was kept pending, later the land conversion has been made, in the land conversion order of Sy.No.

33/2A, the kharab area has not been mentioned, the land conversion order is adverse to the actual fact and rules, prayed for quashing the land conversion orders in question.

Further, regarding the admissibility of the petition under Section 56 the opportunity given to the petitioner for hearing. In this regard as intimated in the Memo filed on 28-11-2019, as per the conditions given under Section 56(3) of Karnataka Land Revenue Act, no any Appeal filed in the matter of the petition, the petition has been filed within the limitation period of four months fixed period. From the order in question, the petitioner is aggrieved, has prayed that a per the report judgment of the High Court 1974 (1) KLJ 379 - Yallappa Bhimappa Diddi Vs. Mysore State and others, the Hon'ble Court opined that the Authority vested the power Under Section 56 (1) when the petition received from the aggrieved or interested person, under the said rules the order can be passed, the said application has to be allowed.

By examining the arguments and the documents of the petitioner, as reported judgment from the High Court in ILR 1990 KAR 3947 - H. Hirannaiah