

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
ORIGINAL APPLICATION NO. 202 OF 2021 (SZ)**

IN THE MATTER OF:

Sri. Kuntla Dharmarjun Reddy

.....Applicant(s)

Versus

District Collector, Suryapet & Others

.....Respondent(s)

**REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE
HON'BLE NATIONAL GREEN TRIBUNAL CHENNAI IN O.A. NO.202 OF
2021 FILED BY KUNTLA DHARMARJUN REDDY VS THE DISTRICT
COLLECTOR, SURYAPET & OTHERS.**

Place: Suryapet

Date : 25.10.2021

**REPORT OF THE JOINT COMMITTEE CONSTITUTED BY THE
HON'BLE NGT, CHENNAI IN O.A. No.202 OF 2021 FILED BY
SRI KUNTALA DHARMARJUN REDDY REGARDING THE DAMAGE
CAUSED TO KARNALA KUNTA LAKE, SURYAPET DISTRICT.**

It is to submit that Sri. Kuntla Dharmarjun Reddy R/o Suryapet District filed an Application before the Hon'ble National Green Tribunal, Southern Zone, Chennai (Application No. 202 of 2021) regarding the damage caused to Karnala Kunta Lake, Suryapet District and the main prayer of the applicant is as follows:

- i. Declare the land development, filling in the Buffer Zone and FTL of Karnala Kunta Lake at Kuda Kuda Village of Suryapet District in Telangana State by Respondent Nos. 5 & 6 as illegal and against the provisions of Environment (Protection) Act, 1986; Water (Prevention and Control of Pollution) Act, 1974; EIA Notification, 2006 and The Telangana Irrigation Act, 1357 F and restrain the Respondent Nos. 5 & 6 from take up area development and construction works in the FTL, Buffer Zone of Karnala Kunta Lake.
- ii. Direct the Respondents 1 to 4 to conduct detailed assessment study with the help of CSIR-NEERI on the adverse effects on Karnala Kunta Lake at Kuda Kuda Village in Suryapet District due to filling, damage caused by the Respondent Nos. 5 & 6 and restore the same to its natural state.
- iii. Direct the Official Respondents to take appropriate statutory legal action against Respondent Nos. 5 & 6 for causing damage to Karnala Kunta Lake according to the Section 24 of Water Act and Section 50 of the Telangana Irrigation Act, and not to register the plots in the land of Karnala Kunta Lake.
- iv. Pass any other orders as the Hon'ble Tribunal may deem fit and proper in facts and circumstances of the case.

Constitution of the Joint Committee: The Hon'ble NGT, Chennai has heard the matter and passed Orders dated 15.09.2021 constituting a Joint Committee comprising of:

- 1) District Collector, Suryapet District, Telangana State.
- 2) Senior Officer from Ministry of Environment, Forests and Climate Change (MoEF & CC), Integrated Regional office, Hyderabad.

- 3) Senior Officer from Telangana State Level Environment Impact Assessment Authority (SEIAA)
- 4) The Superintending Engineer, Minor Irrigation Department, Telangana State.
- 5) A Senior Officer from Telangana State Pollution Control Board (TSPCB).

Terms of Reference to the Joint committee: The Hon'ble NGT directed the Joint Committee to inspect and verify the following:

- i) Whether there is any encroachment in the Karnala Kunta Lake,
- ii) Whether there is any waste has been dumped, bunds & weirs of the lake were breached causing flooding of the ayacut area,
- iii) Whether construction activity is being undertaken in violation of the EIA Notification, 2006 and also under the Water (Prevention & control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 by the respondents 5 and 6 or any other Government agencies or other person inside the lake or in the Full Tank Level (FTL) portion of the lake, if so, what is the nature of action taken by the authorities regarding the same,
- iv) Whether any damage has been caused to the environment, and if so, what is the quantum of compensation to be levied against the violator, apart from suggesting the remedial measures to restore the damage caused to the environment,
- v) Whether any damage has been caused due to the breach of bunds and weirs by the alleged violators to the agricultural lands in the Ayacut and nearby areas, if so assess the damage caused to them as well.

Members of the Joint Committee: As per the Hon'ble NGT orders dated 15.09.2021, the committee was constituted with the following officials:

1. District Collector, Suryapet District, Telangana State
2. Dr. E. Arockia Lenin, Ministry of Environment, Forests and Climate Change (MoEF & CC), Integrated Regional office, Hyderabad.
3. Sri. G. Gangadhar, Secretary, SEAC & Representative of Telangana State Level Environment Impact Assessment Authority (SEIAA)
4. Sri. P.V.S. Nageshwar Rao, Superintending Engineer, Minor Irrigation Department, Telangana State.
5. Sri. G. Hanmanth Reddy, Joint Chief Environmental Engineer & Representative of Telangana State Pollution Control Board (TSPCB).

Site Visit of Joint Committee: The Joint committee has inspected the Karnala Kunta on 11.10.2021 & 22.10.2021. The observations of the Joint Committee are as follows:

Karnala Kunta is also called as Regula Kunta is a very small tank under Panchayatraj Department and having the following Hydraulic Particulars:

Full Tank Level	+100.00 meters.
Tank Bund Level	+101.50 meters
Weir Length	14.00 Meters (constructed bye-wash in the low pocket on Right flank)
Tank bed area (Full tank level)	Ac.08-28 Gts. (Ac.07-16 Gts. Government Shikam land, Ac.01-12 Gts. Private Patta land in FTL).
Buffer Area (9 meters from FTL)	Ac.00-34 Gts.
Ayacut	Ac.14-08 Gts.
No. of Off Take Sluice	1No. (on left Flank)

As per the Google earth image sources prior to 2016-2017, the status of Karnala Kunta water body are dry and poor. The tank was restored under Mission Kakatiya Phase-III in the year 2016-17 and the storage capacity is improved after desiltation of the tank. The following works are carried out during the execution of the work,

- a) Desiltation of the tank bed area
- b) Strengthening of the bund
- c) Restoration of the bye-wash weir, Irrigation channel.
- d) Earth work excavation of the Surplus Course.

The boundaries of the tank are as mentioned below:

North	Sri Sai Developers, Mandadi Avenues, Kuda Kuda (V), Chivemla (M), Suryapet District.
East	Residential Plots of Sri Ghanapuram Raghu
South	Ayacut area
West	60 feet road to Collectorate, Suryapet.

The total area of FTL and Buffer zone of Karnala Kunta is 09 Acre-22 Gts owned by both Government and private owners. An area of 07 Acre-16 Gts belongs to Government Shikam land bearing Survey. No. 328 and the remaining areas fall within FTL and buffer zone belongs to private owners having patta land bearing survey Nos. 321 and 327.

The observations of Joint Committee as per NGT directions are given below:

i) Whether there is any encroachment in the Karnala Kunta Lake

As per the Revenue and Irrigation records, it is observed that there is no encroachment in the bed area, FTL and Buffer Zone of the Karnala Kunta.

ii) Whether there any waste has been dumped, bunds & weirs of the lake were breached causing flooding of the ayacut area

It is submitted that no waste is dumped into the tank. Further, it is also submitted that there is no breach of bund and weir of the lake.

iii) Whether construction activity is being undertaken in violation of the EIA Notification, 2006 and also under the Water (Prevention & control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 by the respondents 5 and 6 or any other Government agencies or other person inside the lake or in the Full Tank Level (FTL) portion of the lake, if so what is the nature of action taken by the authorities regarding the same.

It is submitted that the M/s Sri Sai Developers, Mandadi Avenues (R5) has obtained approval from DTCP (Director of Town and Country planning) for an extent of Ac 30.29 Gts. (12.10 Hectares). Sri. Gangapuram Raghu (R6) has obtained approval from the DTCP for an extent of Ac 04-00 Gts. (1.57 Hectares). No construction activities have been taken by project authorities on the FTL of the water body. Plot leveling and fencing were carried out on patta land which is away from the FTL of tank. Both the projects are come under "Townships and area development projects 8(b)". As per EIA Notification-2006, the project authority shall require environmental clearance only if the development area is more than 50 Ha. or built up area more than

1,50,000 sq.m. Therefore, the Joint Committee is of the view that the above two projects are not comes under the purview of 8(b) of EIA notification 2006 and Water and Air Acts.

Hence, there is no violation of EIA Notification, 2006 and also no violation under the Water (Prevention & control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981

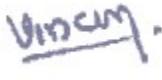
- iv) Whether any damage has been caused to the environment, and if so, what is the quantum of compensation to be levied against the violator, apart from suggesting the remedial measures to restore the damage caused to the environment.**

It is submitted that there is no environment damages caused in the water body due to the projects developments, as there is no discharge of waste water and dumping of solid waste material in the karnala kunta. Therefore, the Joint committee is view of that there is no damage caused to the water body due to the project developments.

- v) Whether any damage has been caused due to the breach of bunds and weirs by the alleged violators to the agricultural lands in the Ayacut and nearby areas if so assess the damage caused to them as well.**

It is submitted that no damage is caused to the agricultural land. Therefore, the Joint Committee is of the view that, FTL and ayacut area of the tank are not affected as alleged by the applicant. Therefore, the Joint Committee is of the view that no damage assessment study is required for this purpose.

Given the above facts and circumstances, the Honble NGT may take appropriate action as deemed fit.

S.No.	Details of Joint Committee Member	Signature
1.	Sri T. Vinay Krishna reddy, District Collector, Suryapet District, Telangana State	
2.	Dr. E. Arockia Lenin, Ministry of Environment, Forests and Climate Change (MoEF & CC), Integrated Regional office, Hyderabad	
3.	Sri. G. Gangadhar- Secretary, SEAC & Representative of Telangana State Level Environment Impact Assessment Authority (SEIAA)	
4.	Sri. P.V.S. Nageshwar Rao, Superintending Engineer, Minor Irrigation Department Telangana State	
5.	Sri. G. Hanmanth Reddy, Joint Chief Environmental Engineer & Representative of Telangana State Pollution Control Board (TSPCB).	