

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI**O.A. No. 77 of 2022 (SZ)**

Sri Paramesh. V
S/o, Sri Late Venkatesh,
Aged about 38 years,
Near Om Shakthi Temple,
Belthuru Colony, Kadugodi Post,
Bengaluru – 560067
E-mail – parameshpar56082@gmail.com
Phone No. 9986975337

... Applicant

Versus

1. The Commissioner,
Bruhat Bengaluru Mahanagara Palike,
Hudson Circle, N.R. Square,
Bengaluru - 560002
E-mail – comm.@bbmp.gov.in
Phone No. 9480685700
2. The Joint Commissioner,
Bruhat Bengaluru Mahanagara Palike,
Mahadevapura Zone,
ITPL Main Road, Mahadevapura,
Bengaluru – 560048
E-mail – jcmpura@bbmp.gov.in
Phone No. 9480685645
3. The Asst. Executive Engineer,
Bruhat Bengaluru Mahanagara Palike,
Hoodi Ward – 54, Whitefield Main Road,
ITPL Main Road, Mahadevapura,
Bengaluru – 560048
E-mail – ae.hoodysubdivision@gmail.com
Phone No. 9448043480
4. The Chairman,
Karnataka State Pollution Control Board,
Parisara Bhavan, No.49, Church Street,
Bengaluru – 560001
E-mail – chairman@kspcb.gov.in
Phone No. 080-25589111


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Bruhat Bangalore Mahanagara Palike
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5. The Senior Environmental Officer,
East Zone – Mahadevapura,
Nisarga Bhavan, 3rd Floor,
Thimmiah Road,
Bengaluru – 560010
E-mail – seoe@kspcb.gov.in
6. The Environmental Officer,
RO Mahadevapura
Nisarga Bhavan, 3rd Floor,
Thimmiah Road,
Bengaluru – 560010
E-mail – bnqmdpura@kspcb.gov.in
Phone No. 080-23224002
7. The Deputy Commissioner,
Bengaluru Urban District,
D.C. Office Building,
Behind Kandaya Bhavan,
K.G. Road
Bengaluru – 560009
E-mail – dcurban@nic.in
Phone No. 080-22211292
8. The Manager,
S.V. Elegant,
Sy.No. 2/1 & 2/7,
National Public School Road,
Opp to Jeevans Gandeur Apartment,
Kumbene Agrahara,
Kadugodi Post,
Bengaluru – 560067
E-mail – svelegantsales@gmail.com
Phone No. 7795000069

... Respondents

**REPORT FILED BY THE 3RD RESPONDENT VIZ., THE ASST. EXECUTIVE ENGINEER,
HOODI SUB DIVISION, MAHADEVAPURA ZONE, BURHAT BENGALURU
MAHANAGARA PALKE.**

1. It is submitted that M/s. Venkateshwara , the 8th Respondent herein, represented by its partners Sri Giri babu.G.K and Sri Mithun Gowda.K hereinafter called the "Builders" had obtained approval for Modified


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plan for construction of residential apartment building in Survey No. 2/1 and 2/7, Khata No. 439, Kumbena Agrahara village, Bidarahalli hobli, Bangalore East Taluk vide Sanction No. BBMP/Ad.Com/MDP/0868/19-20 dated 11.02.2020 valid for two years from 11.02.2020 to 10.02.2022 from the Assistant Director of Town Planning, Mahadevapura Zone, Bruhat Bengaluru Mahanagara Palike (in short BBMP). The approval consisted of stilt floor, ground floor, first floor, second floor, third floor and terrace floor. On the eastern side of this property, storm water drain exists. The sanctioned plan has earmarked 15 meter buffer line from the edge of the property on the eastern side.

2. Upon construction of the said apartment building in the said Survey numbers, the BBMP issued Occupancy Certificate vide No. BBMP/ADTP/MDP/ OC/LP/0868/2019-20 dated 03.08.2021.
3. The Builders subsequently have constructed Swimming Pool along with bath rooms on the portion of the property earmarked as Buffer zone in the sanctioned plan.
4. The Respondent No. 3 issued notice under section 313 of the BBMP Act 2020 calling for records pertaining to the site and building on it vide letter No. BBMP/HSD/AE/54/44/2022-23 dated 03.08.2022. The letter was received by the representative of the Builders on 05.08.2022. The Builders submitted the approved sanction plan vide his letter dated 21.08.2022 received on 22.08.2022. The Builder enclosed a copy of the Occupancy Certificate given by me.
5. This Respondent inspected the building along with the submitted sanctioned copy and found that the Builders have violated the sanctioned plan by constructing swimming pool and bath rooms on


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the eastern side of his property within the area earmarked as Buffer zone of the storm water drain. The swimming pool and bath rooms are found to be fully constructed. No ongoing construction is found in the buffer zone.

6. This Respondent in tune with section 248(1) of BBMP Act 2020 issued Provisional order highlighting the illegal construction done by the Builders vide BBMP/Sakaha/Hu.Upa.Vi/PR/57/2022-23 dated 22.08.2022. This Respondent further issued Provisional notice calling for the Builders to remove the illegal construction as mandated in section 248(2) of BBMP Act 2020 vide order BBMP/Sakaha/Hu.Upa.Vi/PR/57/2022-23 dated 22.08.2022. The said provisional order and notice has been delivered to the representative of the Builders and acknowledgement obtained.
7. This Respondent issued Confirmatory orders u/s 248(3) of BBMP Act 2020 vide BBMP/AEE/HSD/w82/56/2022-23 dated 08.09.2022. The Builders have in their letter dated 12.09.2022 have communicated the demolition of swimming pool and bath rooms which was constructed in the buffer zone. The Builders have themselves demolished the swimming pool and bath rooms. This has been verified by this Respondent and the same has been communicated to the Hon'ble court.
8. The compound wall is along the nala and is in the Builders' property. At the site, on verification, it was observed that the compound wall as indicated in the sanctioned plan is on the perimeter of the suit schedule property and within the buffer zone. It is also observed that the Builders have made a patchy green belt on some portions of the buffer zone and STP construction is found. This Respondent had already issued provisional and confirmatory order under the BBMP Act. Further,


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demolition action will be initiated after obtaining permission of section 356 from the Executive Engineer, BBMP.

9. It is submitted that upon inspection on 24.02.2023, the compound wall constructed by the 8th Respondent within the buffer zone has been demolished by the Builders themselves. This respondent upon verification at the site has found that the 8th respondent has demolished 17m length of compound wall from the centerline of the nala abutting the 8th Respondent property. The 8th Respondent has demolished the compound wall which was touching the nala and also which ran perpendicular to nala. The 8th Respondent in all has demolished compound wall on all three sides of his property where buffer zone existed.
10. It is submitted that upon inspection on 24.02.2023, the 8th Respondent has planted vegetation in the buffer zone.
11. It is further submitted that the 8th Respondent has constructed the Sewage Treatment Plant (STP) outside the buffer zone. The earlier statement that the STP was within the buffer zone was made by mistake and oversight which was unintentional and only an error of judgment while inspecting and this Respondent seeks pardon for the faux pas on this matter.

Dated at Bengaluru on this the 1st day of March, 2023


(Third Respondent)
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