

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,  
CHENNAI**

**Original Application No. 3 of 2021 (SZ)**

**IN THE MATTER OF:**

Tribunal on its own motion

Suo Moto based on the News Item in

The Hindu Newspaper edition

Dt. 06.10.2020, Lake encroachment in full swing at

Mazid Banda

**.....Applicant**

Versus

Union of India & Ors.

**.....Respondents**

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ITEM NO.4

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 230/2001

M.K. BALAKRISHNAN &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

Date : 04-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Gopal Sankaranarayanan, Adv.  
Mr. Shrutanjaya Bhardwaj, Adv.  
Ms. Veera Mahuli, Adv.  
Mr. Naresh Kumar, AORFor Respondent(s)/  
applicant(s)  
UOI/DelhiMr. A.N.S. Nadkarni, ASG  
Mr. A.K. Panda, Sr. Adv.  
Mr. Wasim A. Qadri, Adv.  
Mr. Ajay Kumar Singh, Adv.  
Ms. Binu Tamta, Adv.  
Mrs. Sunita Sharma, Adv.  
Mr. Sanjai Kumar Pathak, Adv.  
Mr. Shalinder Saini, Adv.  
Mr. G.S. Makker, Adv.  
Mr. B.V. Balram Das, Adv.  
Mr. S.A. Siddiqui, Adv.  
Mr. Satya Siddiqui, Adv.  
Mr. Zaki Kazmi, Adv.

Intervenor

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Ketan Paul, Adv.  
Ms. Reeja Varghese, Adv.  
Mr. Chirayu Jain, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

We have heard learned counsel for the petitioner and the learned Additional Solicitor General.

We have been informed that the Wetland Rules have since been notified and they are now called the Wetlands (Conservation and Management) Rules, 2017. These Rules have come into force on the date of publication in the official gazette, that is, 26<sup>th</sup> September, 2017.

Learned counsel for the parties say that they have very serious objections to some of these Rules. It is submitted that it appears that the Central Government has abdicated its responsibility under the Environment (Protection) Act, 1986 and instead of delegating its powers, it has abdicated its power in favour of the State Governments. We have also been informed that the Central Wetlands Regulatory Authority has since been disbanded and the State Wetlands Authority and the National Wetlands Committee have been constituted under Rules 5 and 6 of the new Rules.

With regard to the expenditure on Ramsar Convention sites, we have been informed by learned Additional Solicitor General that the audited accounts have so far been received from the States of West Bengal, Madhya Pradesh and Odisha. Audited accounts have not been received from any other State with regard to the Ramsar

Convention sites.

We have also been informed that apart from Ramsar Convention sites, further funds have been given to the States and the Union Territories for conservation of wetlands. No audited accounts have been received in regard to these funds disbursed as well as their expenditure by the State Governments and the Union Territories.

With regard to the brief documents required to be furnished under the old Rules, it appears that only ten States and one Union Territory have responded. It appears that there is now no necessity of brief documents under the new Rules. We make it clear that this does not mean that the earlier brief documents already submitted can be discarded completely. The contents of these brief documents will still be followed as far as the implementation of the Wetlands (Conservation and Management) Rules, 2017 is concerned.

Finally, with regard to the satellite images, we are told that the Space Application Centre would require between 12 to 18 months to make an inventory of 1,75,740 wetlands as they exist today. We make no comment on this but request learned Additional Solicitor General to re-check with the Space Application Centre since the wetlands are diminishing in our country at a very fast rate. It is very likely that many more will disappear by the time the task is completed by the Space Application

Centre.

We make it clear and reiterate that in terms of our order dated 8<sup>th</sup> February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010.

Learned counsel for the parties may file their objections to the new Rules within a period of two weeks. We direct that only one set of objections should be filed and both learned counsel should sit together and arrive at some consensus on the objections.

We further direct the State Governments that have not complied with earlier orders or directions given by the Central Government should do so within a period of four weeks from today failing which we will be constrained to require the presence of the Chief Secretaries of the State Governments in addition to imposition of heavy costs keeping in mind the necessity of conserving whatever water bodies are left in the country.

List the matter for further directions and for hearing on the objections to the new Rules on 9<sup>th</sup> November, 2017.

We would require the presence of a senior officer of the Ministry of Environment, Forests and Climate Change, Government of India to be present in Court on the next date of hearing so that any questions that may be raised

can be answered immediately. Needless to say, the senior officer who should be present in Court should be well-versed with the subject. The files on the basis of which the new Rules have been framed may also be kept ready for perusal when the matter is taken up.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
COURT MASTER

**F. No. J-22012/48/2016-CS (W)**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(National River Conservation Directorate)**

Pt. DeendayalAntyodayaBhawan, 1<sup>st</sup> floor,  
CGO Complex, Lodhi Road, New Delhi –110003

Dated: 07<sup>th</sup> November, 2017

To

Principal Chief Conservator of Forests & Hoff  
Telangana Forest Department  
Government of Telangana, Aranya Bhawan  
Saifabad, Hyderabad – 500 001

**Sub: 'Brief Documents'/proposals of wetlands submitted to MoEF&CC under the Wetlands Rules, 2010 – regarding further action under the Wetlands Rules, 2017**

Sir,

This has reference to the 'Brief Documents'/proposals submitted by the State Government vide letter(s) dated 30.11.2016 for notification under the Wetlands (Conservation and Management) Rules, 2010.

2. The deficiencies in the said Brief documents/proposals were communicated vide this Ministry's letter(s) of even no. dated 30.12.2016.

3. The Wetlands Rules, 2017 were notified on 26.09.2017, wherein the State/Union Territory Wetland Authorities have been constituted (in place of Central Wetlands Regulatory Authority) and powers for notification of wetlands have been delegated to the State Governments and UT Administrations.

4. In view of above, the State Government is requested to take further action on priority on the said 'Brief Documents' as per the Wetlands Rules, 2017.

5. It may also be noted that the Hon'ble Supreme Court vide Order dated 04.10.2017 in W.P. (C) No. 230 of 2001 has inter-alia, directed that, *"We make it clear and reiterate that in terms of our order dated 8<sup>th</sup> February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010"*.

Yours sincerely,



(Dr. M. Ramesh)  
Joint Director (S)

Telefax: 011-24362186

Email: ramesh.motipalli@nic.in



भारत सरकार  
Government of India  
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forests & Climate change  
एकीकृत क्षेत्रीय कार्यालय  
Integrated Regional Office

3<sup>rd</sup> floor, Aranya Bhavan,  
Saifabad, Hyderabad-500004,  
Telangana.  
[irohyd.moefcc@gmail.com](mailto:irohyd.moefcc@gmail.com)

File No. EP(A)/NGT (SZ)/077/IRO-HYD//2021/26

23.06.2021

To

Dr. M. Ramesh,  
Scientist 'E',  
Ministry of Environment, Forest & Climate Change,  
New Delhi.  
(Email: [ramesh.motipalli@nic.in](mailto:ramesh.motipalli@nic.in))

**Sub:** Monitoring report of IRO, MoEF&CC, Hyderabad in the matter of O.A No. 03 of 2021 before Hon'ble NGT, (SZ), Chennai

**Ref:** Your communication through email to IRO, MoEF&CC Hyderabad dated 23.04.2021 and 21.06.2021.

Sir,

Your kind attention is invited on the subject and references cited above and to submit that the undersigned has monitored the Mazid Banda Cheruvu on 06.05.2021. Monitoring report is submitted herewith for your information and further necessary action.

2. This issue with the approval of Regional Officer, IRO, MoEF&CC, Hyderabad

Yours faithfully

(Dr. E. Arockia Lenin)  
Scientist C  
([arockia.lenin@gov.in](mailto:arockia.lenin@gov.in))

**Monitoring report of IRO, MoEF&CC, Hyderabad in the matter of  
O.A No. 03 of 2021 before Hon'ble NGT, (SZ), Chennai**

**Mazid Banda Cheruvu:**

This lake is located in Kondapur village, Serilingampally Mandal, Ranga Reddy District, Telangana (17°28'05.1"N 78°20'16.0"E, Annexure-1). As per submission by Lake Protection committee, Hyderabad Metropolitan Development Authority (HMDA), Hyderabad, there was 501 lakes existed in old Hyderabad Urban Development Authority (HUDA) and Municipal Corporation of Hyderabad (MCH). Presently, 176 out of 501 lakes are existed within the present Greater Hyderabad Municipal Corporation (GHMC).

It is submitted further that HMDA has identified 455 lakes inside the ORR (Outer Ring Road). Among them, Mazid Banda Cheruvu was listed (Sl. No. 377) as notified lake (ID No. 3752) vide HMDA, Preliminary notification dated 23.07.2014. FTL of the area of lake is about 12.520 Acre as preliminary notification (**Annexure-2**)

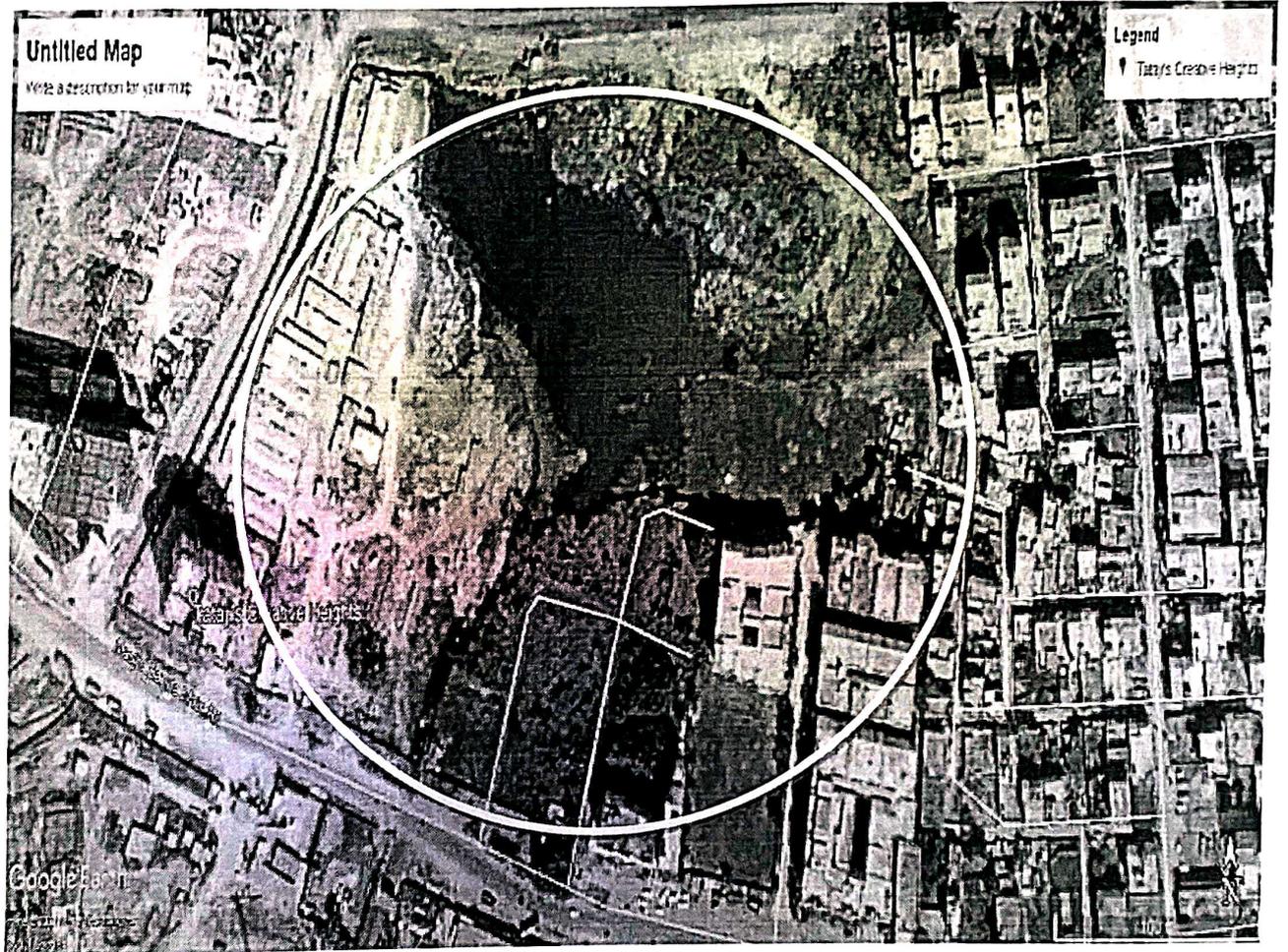
**Land status of Mazid Banda Cheruvu:**

As per HMDA map, the surveys numbers from 127-142 were included for fixing FTL points of Mazid Banda Cheruvu (**Annexure-3**). It is further observed that there were disputes involved in rights of ownership due to inclusion of survey number no. 123,124,125,128,143 and 145 in the FTL of Mazid Banda Lake as these survey numbers were recorded as patta land in the revenue record.

**Past and Present status of the lake :**

- Google earth images from 2003-2020 (Plate 1 to 5) and HMDA FTL map were taken into the analysis to understand the past and present status of the Mazid Banda Cheruvu.
- It was confirmed that the size of Mazid Banda cheruvu has been diminished from all sides due to construction activities.
- It was confirmed that the Mazid Banda cheruvu has been totally encroached by construction debris and construction of temporary labour sheds etc.,
- It was observed that the inflow and outflow of the lake are totally disturbed due to dumping of debris construction activities.

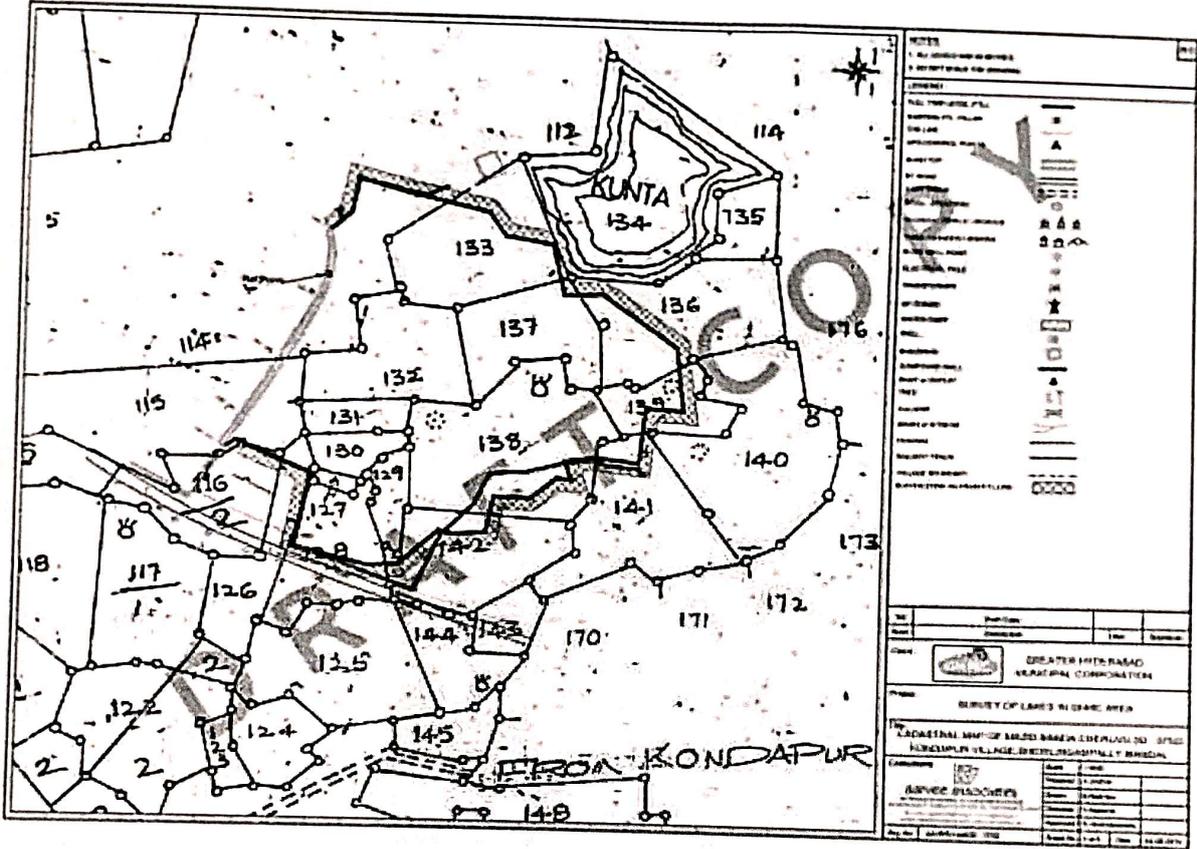
## Annexure -1



**View of Mazid Banda Chruvu**



**Annexure -3**

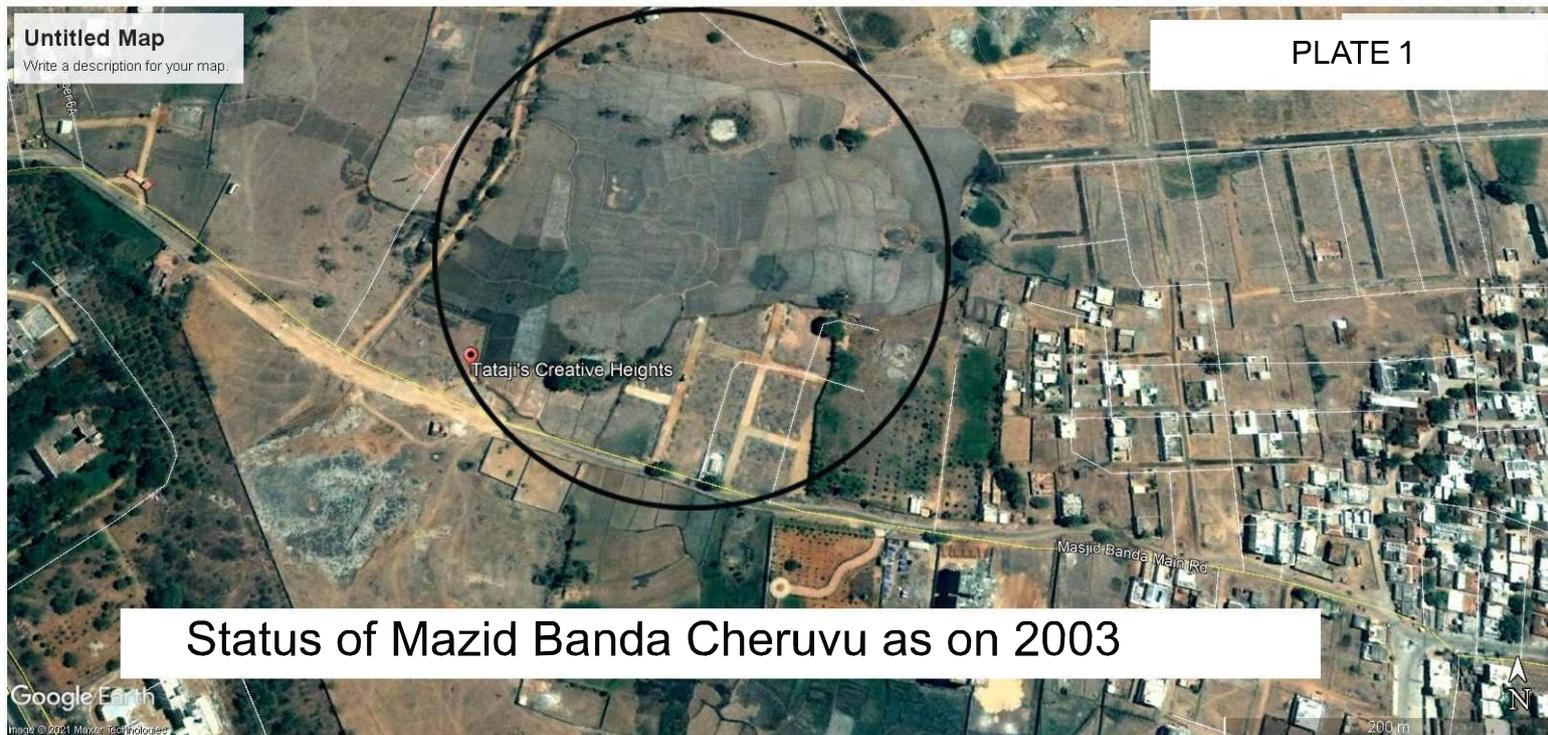


**Survey number with HMDA map showing FTL points of Mazid Banda  
Chruvu**

Untitled Map

Write a description for your map.

PLATE 1



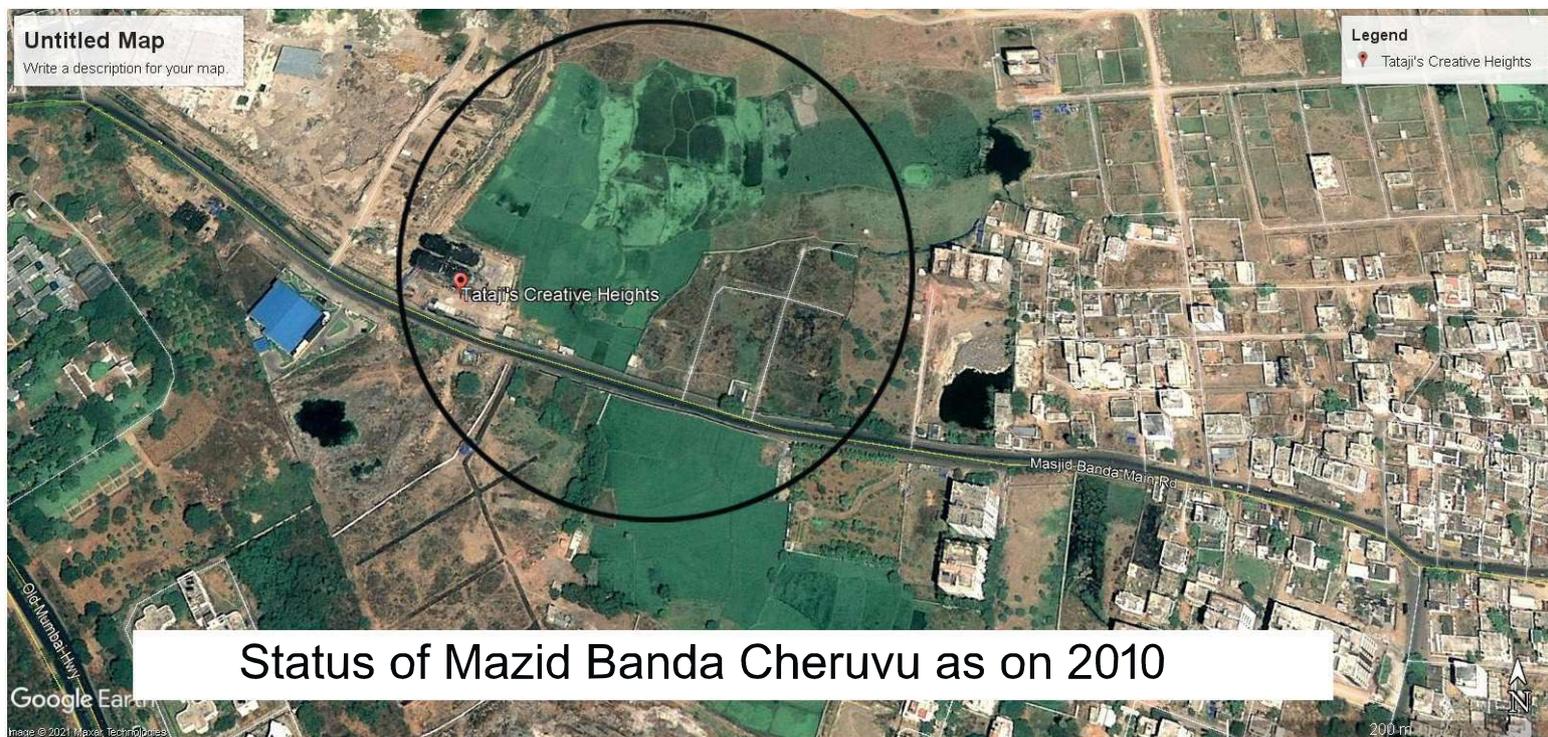
Status of Mazid Banda Cheruvu as on 2003

Untitled Map

Write a description for your map.

Legend

Tataji's Creative Heights



Status of Mazid Banda Cheruvu as on 2010

Untitled Map

Write a description for your map.

Legend

Tataji's Creative Heights

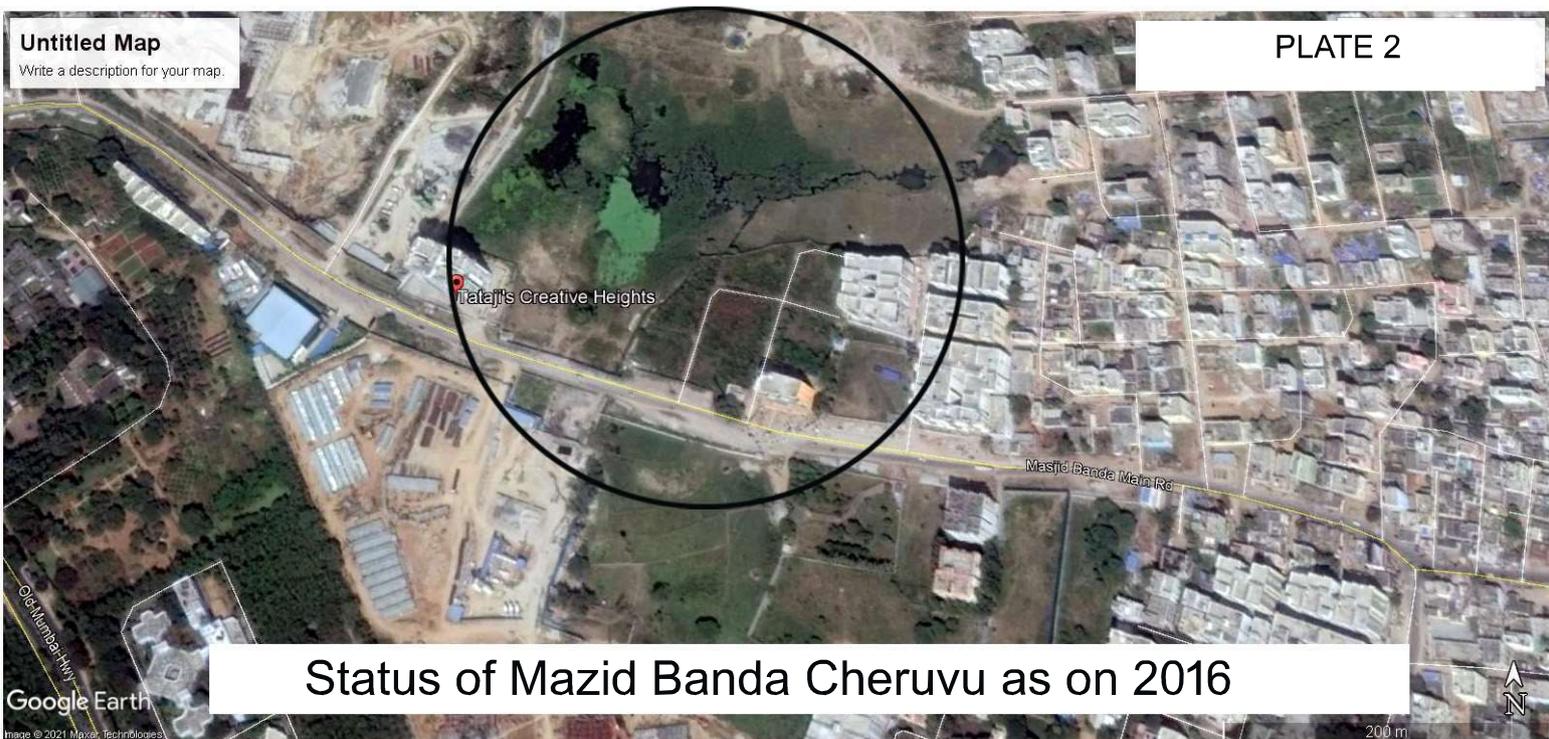


Status of Mazid Banda Cheruvu as on 2014

Untitled Map

Write a description for your map.

PLATE 2



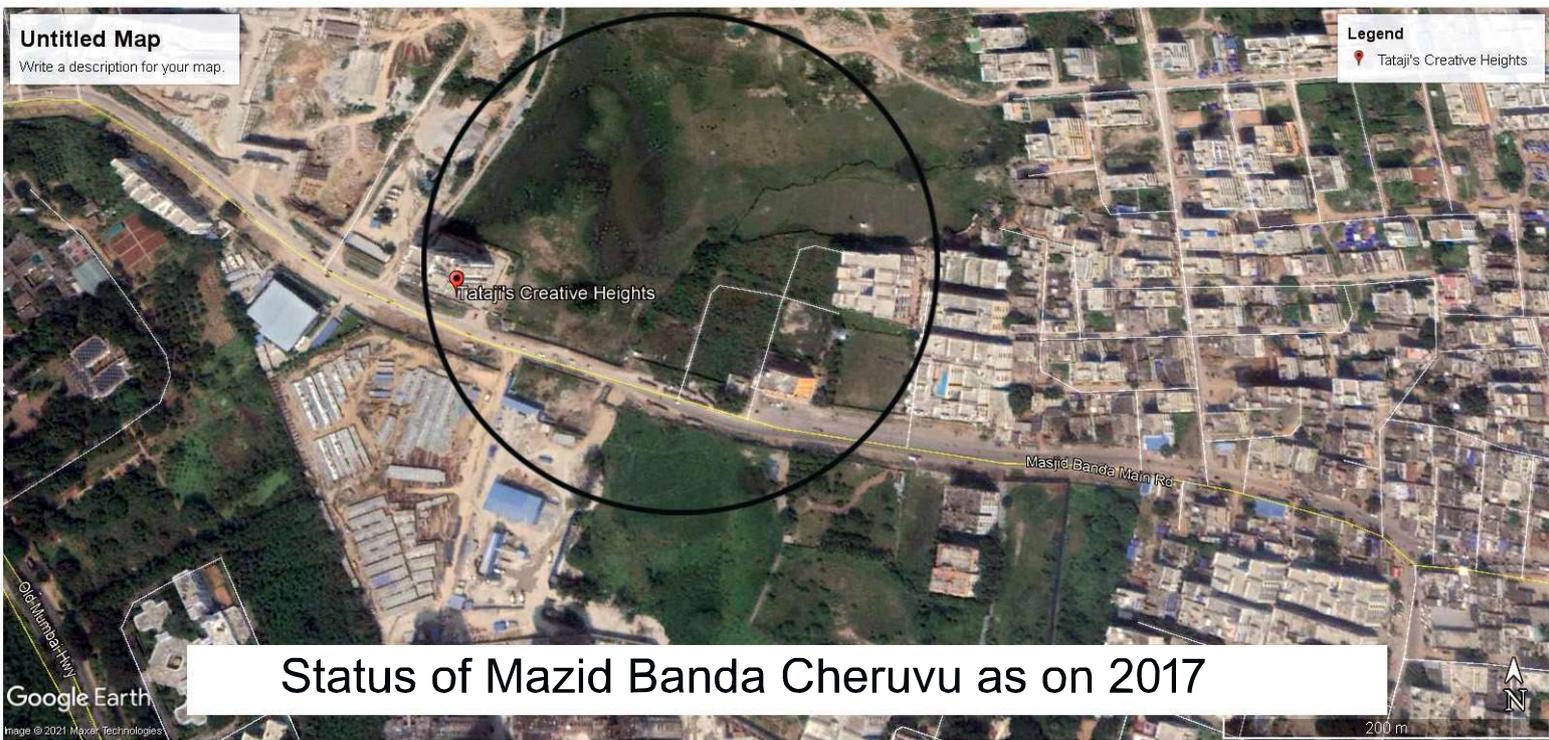
Status of Mazid Banda Cheruvu as on 2016

Untitled Map

Write a description for your map.

Legend

Tataji's Creative Heights



Status of Mazid Banda Cheruvu as on 2017

Untitled Map

Write a description for your map.

Legend

Tataji's Creative Heights



Status of Mazid Banda Cheruvu as on 2018



Status of Mazid Banda Cheruvu as on 2019



Status of Mazid Banda Cheruvu as on 2020

## Status of Mazid Banda Cheruvu as on May 2021



Figure 1: Temporary structure of sheds and debris on the left side of Cheruvu



Figure 2: Construction debris dumped in the center of the Cheruvu

## Status of Mazid Banda Cheruvu as on May 2021



Figure 3 Compound wall and Construction debris dumped at all sides of the Cheruvu



Figure 4: Height of construction debris dumped from the ground level

# Status of Mazid Banda Cheruvu as on May 2021



Figure 5: Construction debris dumped in the right of the Cheruvu



Figure 6: Construction debris dumped in the right of the Cheruvu

(by e-mail)

**F. No. J-22012/01/2021**  
**Government of India**  
**Ministry of Environment, Forests and Climate Change**  
**(Wetlands Division)**

A-233, Agni Wing  
Indira Paryavaran Bhawan  
Jor Bagh Road, New Delhi

Date: 17.08.2021

To

The PCCF (HoFF) &  
Member Secretary, State Wetland Authority of Telangana,  
Aranya Bhavan, Telangana State,  
Hyderabad  
Email: [pccftelangana@gmail.com](mailto:pccftelangana@gmail.com)

**Sub.: Action Taken Report in O.A No. 3 of 2021 (SZ) before Hon'ble NGT regarding encroachment of Mazid Banda Cheruvu in Hyderabad.**

Ref. 1. MoEF&CC email dated 23.04.2021

2. State Wetland Authority Reply Rc No. 3073/2019/WL 1 dated 03.05.2021

Madam,

This has reference to the above communications in the subject matter.

2. The Integrated Regional Office (IRO), Hyderabad of this Ministry vide its monitoring report of Mazid Banda Cheruvu dated 23.06.2021 (**copy enclosed**) confirmed that the size of Mazid Banda Cheruvu has been diminished from all sides due to construction activities, Mazid Banda Cheruvu has been totally dumped by construction debris and also construction of temporary labour sheds and the inflow and outflow of the lake are totally blocked due to dumping of debris.

3. As communicated vide this Ministry's letter No. J-22012/48/2016-CS(W) dated 07.11.2017 (**copy enclosed**), the Hon'ble Supreme Court vide Order dated 04.10.2017 in W.P. (C) No. 230 of 2001 (**copy enclosed**) has inter-alia, directed that, "We make it clear and reiterate that in terms of our order dated 8<sup>th</sup> February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010".

4. With reference to the above said 2,01,503 wetlands, the total wetlands (>2.25 ha) are 2,01,503 including rivers/streams. An inventory of 1,75,740 wetlands (State-wise/sorted on State code), is available on this Ministry's website at <http://moef.gov.in/wp-content/uploads/2019/08/National-Wetland-Inventory.pdf>. Rivers/streams (~25,763 polygons) are not included in the list.

5. In view of above, the State Wetland Authority of Telangana is requested to take appropriate action in the matter and provide the action taken report to this Ministry on priority.

Yours sincerely,

Encl.: as above



(Dr. M. Ramesh)  
Scientist 'E'

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