

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTH ZONE BENCH AT CHENNAI**

O.A No. 3 of 2021

Tribunal on its own motion-Suo-Motu  
News item in the Hindu Newspaper  
Edition dated 06.12.2020, under the Caption  
"Lake encroachment in full Swing at Mazid Banda"

...Applicant

-Vs-

MoEF & CC & Ors

...Respondents

**REPORT FILED BY THE 6<sup>TH</sup> RESPONDENT (HMDA)**

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S.No.	Particulars	Pg.No.
1.	18.10.2023 Proceedings of Spl.Chief Secretary, M.A. & UD Department	1

Place: Hyderabad  
Date 23.12.2023



Counsel for 6<sup>th</sup> Respondent



# Hyderabad Metropolitan Development Authority

Lakes Protection Committee, HMDA

2nd Floor, Swarna Jayanthi Commercial Complex, HMDA, Ameerpet, Hyd.

**Proc.No. HMDA, No.1404/HMDA/EE (L&P)/2013-14/10, Dt: 18.10.2023**

**Sub:** HMDA –Draft Notification- HMDA, No.1404/HMDA/EE (L&P)/2013-14/10, Dt.23.07.2014 - Mazid Banda Lake- ID.No. 3752 - Kondapur (V) - Serilingampally (M) - Ranga Reddy (D) - Objections filed by M. Raju Yadav & Others and Shaik Ibrahim & Others - Directions of Hon'ble High Court to hear and dispose the Objections - Final orders - Issued- Reg.

**Ref:**

1. Draft Notification of Mazid Banda Lake issued by LPC, HMDA, No.1404/HMDA/EE (L&P)/2013-14/10, dt.23.07.2014
2. Objections Letter dated 20.07.2015 of M. Raju Yadav and others
3. Objections Letter dated: 25.08.2016 by Shaik Ibrahim & others
4. Representation of Raju Yadav and others Dated 13.03.2019.
5. Order of Hon'ble NGT, Chennai (SZ) in O.A.No.3/21, dt.06.01.2021.
6. District Collector, Ranga Reddy District, Lr.No. RR/LP/100/0037/2020 Dt. 19.03.2021.
7. Report of the Joint Committee dated 06.05.2021 submitted to Hon'ble NGT.
8. Order of Hon'ble High Court in W.P.No.11211/21, Dt.14.11.2022.
9. EE, NTD, Lr.No.EE/NTD/2023/255, Dt: 16.02.2023
10. District Collector, Ranga Reddy District, Lr.No.LP/68/21, dt.12.05.2023.
11. Orders of Hon'ble NGT, Chennai (SZ) in O.A.No.3/2021, dt.25.05.2023.
12. Orders of Hon'ble High Court Dt.09.06.2023 in W.P.No.14410/23 filed Shaik Ibrahim and other.
13. This Office Lr.No.14410/HMDA/LPC/23 dt.30.06.2023 addressed to petitioners in W.P.No.11211/21 and W.P.No.14410/23.
14. Fresh Objections dated 14.07.2023, with documents filed by Shaik Ibrahim & others.
15. Fresh Objections dated 24.07.2023, with documents filed by M.Raju Yadav & others.
16. EE, NTD, Lr.No.EE/NTD/1196, Dt: 10.08.2023.
17. Proceedings No. 02273/HMDA/LPC/NGT/OA No.3/21/2021 dated 11.08.2023.

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18. Order of Hon'ble High Court in W.P.No.25340/2023, Dt.12.09.2023.
19. Fresh Objections dated 23.09.2023, with documents filed by Shaik Ibrahim & others.
20. Fresh Objections dated 23.09.2023, with documents filed by M.Raju Yadav & others.
21. Proceedings and hearing Conducted by the Principal Secretary to Govt. MAUD Cum Commissioner, HMDA.

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The Government declared the Hyderabad Metropolitan Region under Section 3 of the HMDA Act, 2008, and the Government sanctioned and notified the master plan via G.O.Ms. 288, M.A., Dated 03.04.2008 issued under Section 14 (2) of the HMDA Act.

Lake Protection Committee was constituted vide G.O.Ms.No.157, MA & UD Dept., Dt.06.04.2010 in compliance of the orders of the Hon'ble High Court in W.P.No.9386/2007, Dt. 02.02.2010 for preservation and protection of lakes in HMDA area.

In accordance with directives from the Chairman of the Lakes Protection Committee and the Metropolitan Commissioner of HMDA, a letter with the number 613/LPC-Cell/HMDA/2013, dated November 10, 2013, was addressed to the seven District Collectors, requesting that they provide information about any lakes within their jurisdiction that fall under the jurisdiction of HMDA. Based on the list that the Joint Collector of Ranga Reddy District provided, Lr. No. H/2112/13, dated December 24, 2013, Mazid Banda is included in Ranga Reddy District.

About 176 of the 501 lakes that were originally listed as existing in the former HUDA and MCH territories were also present in the current GHMC territory. One of the 455 lakes inside the ORR that the Lake Protection Committee, HMDA, identified is Mazid Banda Lake, which has the Sl. No. 377 and the ID No. 3752.

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On July 23, 2014, the Lakes Protection Committee, HMDA, published a draft notification of Mazid Banda Lake, which was uploaded to the HMDA website vide reference 1<sup>st</sup> cited after the Irrigation Department verified and certified the information. Following that, 34 lake maps with FTL boundaries and buffer zones that properly displayed revenue survey numbers were notified under sections 11, 13, and 54 of the HMDA Act, 2008, giving people thirty days to file objections and suggestions regarding the FTL boundary maps of the lakes according to the enclosed list.

However, in response to the notification No. 1404/HMDA/EE (L&P)/2013-14/10, dt. July 23, 2014, to the extent of Ac. 4.00 guntas, on July 20, 2015, Sri Raju Yadav filed a representation requesting that their patta lands in Sy. Nos. 123, 125, 145, 128 and 143 in Kondapur Village, Serilingampally Mandal, Ranga Reddy District, be removed. Moreover, he submitted W.P.No.11211/19. Accordingly, Shaik Ibrahim and others also sent an objection letter on August 25, 2016 that they later submitted W.P. No. 14410/2023 as well.

According to a news article titled "Lake encroachment in full swing at Mazid Banda" that appeared in "The Hindu" on December 6, 2020, the Hon'ble NGT, Chennai (SZ) has taken up Suo Moto case No.O.A.No.3/21 and issued orders via reference 2<sup>nd</sup> cited on January 6, 2021 for a joint committee to inspect the encroachments comprising of (1) the district collector of the Hyderabad district, (2) senior officer from the irrigation & CAD department of Hyderabad, (3) GHMC Commissioner, (4) An HMDA Senior Officer, (5) A Lake Protection Committee Senior Officer, (6) A TSPCB Senior Officer, and to submit a report on (or) before 20.05.2021.

In light of this, a joint inspection was carried out on May 6, 2021, by the Revenue Divisional Officer of the Rajendra Nagar Division, Scientist from C/DD, SEE from TSPCB, EE, and NTD on behalf of the GHMC, EE, LPC, HMDA, and members of the joint committee. It was observed that the construction of a group of apartments had blocked, encroached upon, and diverted a surplus course from Kudikunta, i.e., the upstream tank to the said location. Additionally,

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a nala boundary existed on the ground, but there were no signs of the tank's appurtenant components, such as a bund, sluice, or weir. Furthermore, it was noted that a significant amount of gravel was stagnated next to the surplus course passing from Kudikunta to Gopi Cheruvu, causing blockage of the free flow of surplus course.

Amidst all of this, Raju Yadav filed W.P.No.11211/19 and another, which the Hon'ble High Court disposed on November 14, 2022, directed the respondents to take into account the petitioner's objections dated July 20, 2015, and finally them within three months. The petitioners requested in the aforementioned representation to have their patta lands removed from HMDA notification No.1404/HMDA/EE(L&P)/2013-14/10, dt.23.07.2014, to the extent of Ac. 4.00 guntas in Sy.Nos.123, 125, 145, 128 and 143 in Kondapur Village, Serilingampally Mandal, Ranga Reddy District.

Vide reference 6<sup>th</sup> cited, Dt: 19.03.2021, the District Collector, Ranga Reddy District has reported that-

*"The RDO Rajendranagar Division has further reported that as per observations made by the irrigation authorities, a natural course of stream has been obstructed and diverted along the boundary of subject lands due to construction of group of apartments along its natural course on downstream and presently the water that got stagnated is due to open sewer drains discharging into the stream. However, on the ground there exists a Nala but no tank appurtenant compounds like bund, sluice and weir are existing in the location. Further reported that as per the village map and revenue records, there is no kunta existing in the subject land that the same was notified by the HMDA with Lake ID No. 3752."*

On 06.01.2023, vide Lr.No.2118/HMDA/LPC/2019 addressed to the District Collector, Executive Engineer, Irrigation (NTD) to take necessary decision to finalize the same as per the Hon'ble High Court order dated 23.11.2022 in W.P.No.11211/19.

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Executive Engineer, (Irrigation) NTD dt. 16.02.2023 reported that there are cross bund traces in the topo sheet, but no tank appurtenant structures, such as sluice and weir, are present. Additionally, the Mandal surveyor demarcated the above lands and submitted a report with a location sketch stating that, in the subject lands of Kondapur (V), Serilingampally (M), there is a stream that passes through as per the Topo-sheet, and on the ground, there is stagnant water that resembles a small kunta.

Vide reference 10<sup>th</sup> cited, Dt: 12.05.2023, the District Collector, Ranga Reddy District has reported that.,

*"..... As per the report of Executive Engineer, NTD, Lr.No.EE/NTD/2023/255, dt.16.02.2023 location of tank has been verified with survey of India Topo sheet and it is noticed that a stream is passing through the subject location and it's natural course has been obstructed and diverted alongthe subjected lands due to construction of a group of apartments on its downstream and sewer drains from said apartments discharging into the stream. There are traces of cross bund available in Topo sheet but there is no existence of tank appurtenant structures like sluice and weir".*

The District Collector, Ranga Reddy District further reported that vide Lr.No.B/701/19, dt.2/23, Deputy Collector and Tahsildar, Serilingampally Mandal has informed that.,

*"as per revenue records i.e., Khasra Pahani, the land in Sy.Nos.123 to 126, 128, 130 to 133, 136 to 145 are classified as patta lands and Sy.No.127 is classified as MafiInam land and Sy.No.129 is classified as ChoutaInam."*

The Hon'ble NGT, Chennai (SZ) in O.A.No.3/21 in its orders dt.25.05.2023 observed that "Now it is stated that necessary particulars for issuing final notification are given to the HMDA. There is no impediment for them to finalize and issue the final notification for which we grant them Two weeks' time."

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Furthermore, Shaik Ibrahim and others filed another WP No.14410/23, which the Hon'ble High Court disposed on June 9, 2023, via reference 12<sup>th</sup> cited. The court ordered this respondent to take into account the petitioners' objections dated August 25, 2016, and to finalize it within three months, notifying all parties involved.

As a result, on June 21, 2023, LPC, HMDA issued a notice directing the objection. Petitioners to provide copies of their objections dated August 25, 2016, with a follow-up notice dated June 30, 2023, setting a hearing date of July 15, 2023. Along with documentation, Shaik Ibrahim and others submitted new objections. M. Raju Yadav and others also filed fresh objections with documents. LPC held the hearing twice, on July 15, 2023, and July 24, 2023.

On August 11, 2023, LPC, HMDA issued final decisions rejecting the objections of both petitioners, as stated in the 16<sup>th</sup> reference, EE, NTD, and, based on the aforementioned report, vide reference 17<sup>th</sup> cited.

In querying the Proceedings No. 02273/HMDA/LPC/NGT/OA No.3/21/2021 dated 11.08.2023 of the LPC, HMDA, Shaik Ibrahim and others filed W.P. No. 25340/2023 before the Hon'ble High Court. The Honorable High Court issued the following directive in reference 18<sup>th</sup> cited:

*"18. Upon the petitioner submitting his objection to the preliminary notification if any and appearing before the 3<sup>rd</sup> respondent authority on 23.09.20 23 at 2:30 p.m. for personal hearing as agreed to by both the parties, the respondent shall hear the objections of the petitioners to the preliminary notification and pass orders thereon in accordance with law.*

*19. Accordingly, the writ petition is allowed; the impugned order dated 11-08-2023 is hereby set aside; and the matter is remitted back to the respondent No.3 for fresh consideration as mentioned above. No costs."*

Both of the objection petitioners appeared before this respondent on 23.9.2023 and presented their new objections along with additional documents in compliance with the aforementioned instructions of the Hon'ble High Court dated 12.09.2023. The case was postponed twice, first to 06.10.2023, and then to 07.10.2023, after the hearing date of 30.09.2023, was set.

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The matter was heard on 07.10.2023 and the officials representing LPC, irrigation and revenue departments were present and the petitioners and their counsel were also present.

The Executive Engineer, LPC submitted the Hon'ble NGT directed to issue final notification and therefore final notification was issued and the same was set aside by the Hon'ble High Court and directed fresh hearing.

The Revenue Divisional Officer, Rajendra Nagar division submitted that the subject lands are Patta lands and reports were already submitted by the district collector to that effect.

The learned counsel for the petitioners submitted that there was no direction by Hon'ble NGT to issue final notification in a particular manner and after noting the direction of the Hon'ble High Court to hear and dispose of the objections and the submission of the report of the revenue officials, the Hon'ble NGT only recorded that there is no impediment for finalizing the matter. He further submitted that all the official records pertaining to the Settlement, Revenue And Irrigation Departments for over 70 years show the subject lands are Patta lands and there is no record showing the existence of tank and further that there are no traces of tank on the ground like bund, weir and sluice etc., and all the official reports of the District Collector, Joint Committee Report and the report of the

Executive Engineer, North Tank Division, while referring to the official records has clearly stated that there was no tank and there is only nala which was obstructed and hence there was stagnation of water and sewerage. He further relied on satellite images of NRSA processed and demarcated by NGRI and topo sheets of Survey of India showing that there is only NALA and no lake or tank. His contention is when there is no tank at all, the question of fixing FTL does not arise and that the draft notification issued by LPC is incompetent and illegal. He finally submitted that in view of the objections and the material filed in support thereof, the draft notification is liable to be dropped. He also filed a detailed synopsis on 10.10.2023.

After hearing all the parties and verifying the records, it is found as follows:

1. The Masjid Banda Lake, ID-3752 of Kondapur village, is shown at Sl. No. 24 in the list of lakes, attached to the draft notification in the reference cited 1. The lands in Sy.No.114 to 116 and 126 to 142 of Kondapur are shown as falling in the lake demarcated in the cadastral map annexed to the notification. The said notification was issued under sections 11, 13 and 54 of the HMDA Act.
2. The lands in these survey numbers are in the residential Zone and partly proposed 30 mtrs, roads, in the master plan, notified by the Government vide G.O.Ms. 288, M.A., Dated 03.04.2008 issued under section 14 (2) of the HMDA Act.
3. The objection petitioners, namely M.Raju Yadav and others claim as Pattadars of Ac. 4.00 in Sy.No. 123 to 125, 128, 144 and 145 of Kondapur village. The objection petitioners, namely Shaik Ibrahim and others, claim as Pattadars of Ac.5.34 Gts., in Sy.No. 131 to 133, 137, 138 and 142 of Kondapur village. They filed documents to establish their title.
4. The Sethwar pertaining to Sy.No.119 to 156 filed by the objection-petitioners show that the lands are Patta lands standing in the name of different Pattadars.
5. Khasra Pahani for the year 1954-55 pertaining to Sy. No. 123 to 146 filed by the objection-petitioners show that the lands are Patta/Inam lands, standing in the name of different Pattadars/ Inamdars.
6. The objection-petitioners filed pahanies for the years 1959-60, 1971-72, 1975-76, 1985-86, 1989-90, 1995-96, 1999-2000, 2004-05 pertaining to the lands in Sy.No.123 to 146 of Kondapur village. These Pahani show that the subject lands are Patta lands.
7. The village map of Kondapur village does not disclose any tank in these survey numbers. The only water body in the vicinity is Jangam Kunta in Sy. No. 134. There is no other water body or stream shown in the village map in these survey numbers.

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8. The objection- petitioners also filed topo sheets of survey of India pertaining to these lands and it shows only a stream passing through these lands, but not any lake. This stream connects Kudi Kunta on east with Gopi cheruvu on North west.
9. The objection-petitioners have also filed satellite imagery of NRSA which are processed and tagged with coordinates by NGRI, with latitude 17'27'0 N to 17'29'0 N and longitude 78'19'0 E to 78'22'0 E. The plan annexed to the draft notification shows that the subject land tagged with coordinates-with latitude 17.28'3'687 N to 17.28'11'607 N and longitude 78'20'9'072 E to 78'20'11'162 E. Thus, the subject lands mentioned in the draft notification are covered by satellite imagery filed by the objection-petitioners. The objection petitioners also filed Google earth images from the year 2002 to 2021. The satellite imagery also show the existence of stream, which was later obstructed and not any tank or lake.
10. None of the documents filed by the objection petitioners have been disputed by any Department. In fact, most of these documents were taken in to consideration in all the official reports. There is no material to disprove these documents or to establish the existence of any tank in the subject lands.
11. It is to be noted that all the official reports submitted in respect of the subject lands after the draft notification, namely Joint Committee Report dated 06.05.2021, the Reports of the District Collector dated 19.03.2021 and 12.05.2023 and the report of EE, North Tank Division also consistently affirm the non-existence of any tank in the subject lands and the stagnation of water caused on account of constructions made in the downstream and also letting sewerage. No material is placed contrary to these reports.
12. However, the report dated 10.08.2023 submitted by EE, North Tank Division strikes a different note. The learned Counsel for the petitioner pointed out the contradictions between his own earlier report dated 06.02.2023 and the report of Joint Committee, of which he is a member that he did not discuss them in the report dated 10.08.2023. There is no reference to the records of the revenue or irrigation Department pertaining to the subject lands or any original records or memoirs of the irrigation

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Department. It is not his report that there was a tank which was tampered. The report dated 10.08.2023 states with is a water body identified by NGRI, but the satellite imagery does not support such statement, as already discussed above.

13. As rightly contended by the learned counsel for the objection-petitioners, the passing of Nala/stream, connecting Kudi Kunta on east with Gopi cheruvu on North west, is incompatible with existence of any tank in the subject lands. No record pertaining to preparation of FTL map by the then Executive Engineer, relied on in the report dated 10.08.2023 is produced. Further, the Topo sheet of survey of India (SOI), relied in the report dated 10.08.2023, use totally different symbols for stream and embankments, Road, rail, tank, broken ground respectively. No symbol pertaining to embankment or tank is shown in the subject lands in the topo sheet relied on in the report dated 10.08.2023. The Topo sheet shows symbol used for tank is shown to demarcate Jangam Kunta, no such symbol is shown in the subject lands. SOI Topo Sheet does not show any types of structures to be denoted as masonry or rock fills, earth work dams, weir, etc, as stated in the report dated 10.08.2023. The symbols used in in the topo sheets for palms, palmyra, bamboo and other trees are shown in the lands of objection petitioners, , as rightly pointed out by the learned counsel for the objection-petitioners. Therefore, the report dated 10.08.2023 submitted by Executive Engineer, Irrigation, North Tank Division is clearly contrary to the official records, satellite imagery and all the previous reports and therefore can not be accepted.

13. In the circumstance, it is clear there was no tank called Masjid Banda cheruvu in the subject lands, either as per the relevant records of Settlement, Revenue or irrigation departments or the Satellite imagery of NRSA, NGRI or even Google earth images. Hence, the proposal for its FTL is rejected. The water is on account of the stagnation caused by the obstruction to the natural stream, as clearly pointed in the reports of the District Collector. Hence, District Collector, RR Dist, is requested to take necessary steps to restore the Nala.

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14. Hence, I accept the objections of the Pattadars and reject the proposal in the draft notification in the reference cited (1) above, in respect of Mazid Banda Lake with ID No. 3752.

Sd/-

Spl. Chief Secretary to Govt., MA&UD Dept.

To

1. Sri Raju Yadav & another, H.No.1-59-15/1, Masjid Banda, Kondapur Village, Serilingampally Mandal, R.R. Dist., 500 019.
2. Sri Shaik Ibrahim & others, H.No.9-4-86/26, Salarjung Colony, Tolichowki, Golkonda, Hyd - 500 008.
3. Copy to the Commissioner, GHMC to take necessary action.

dp. Copy to the Dist-Collector, RR Dist for taking necessary action.

//T.C.F.B.O//.

*J. Krishna Rao*  
18/10/23

Executive Engineer

Lakes Protection committee Cell, HMDA.

Received copy  
18-10-2023  
P. P. R. Deep (now)  
S/o. P. Anthaiah  
7997989398

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**REPORT FILED BY THE 6<sup>TH</sup>  
RESPONDENT (HMDA)**

T.SAI KRISHNAN  
Counsel for 6<sup>th</sup> Respondent