

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION NO. 60/2023**

IN THE MATTER OF:

Hari Krishna Paidi Lakshmaiah

...APPLICANT

Versus

State of Karnataka and Ors

...RESPONDENTS

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Filed By



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Date: 07.11.2023

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**REPORT ON BEHALF OF RESPONDENT NO. 2 (BANGALORE
DEVELOPMENT AUTHORITY)**

MOST RESPECTFULLY SHOWETH:

1. That the instant Original Application is filed alleging that the answering Respondent is carrying out construction activities at the periphery of the Bellanduru Lake situated in Bengaluru. The Applicant has sought for demarcation of buffer zone, stoppage of alleged construction activities, removal of mud and debris as well as a permanent injunction on any construction activity upon the buffer zone of the said lake.
2. It is stated at the outset that all averments made in the Application are wrong and denied, unless expressly admitted by the answering Respondent.

3. It is pertinent to note that there is no '*construction*' activity undertaken by the answering Respondent. Instead, the activities undertaken at the said lake are rejuvenation and rehabilitation works for Bellandur Lake.
4. It is submitted that O.A. No. 125/2017 titled *Court on its own Motion v. State of Karnataka* came to be initiated by the Principal Bench of this Hon'ble Tribunal on 20.02.2017. By way of the said OA, rejuvenation and rehabilitation works in Agara and Varthur lakes were also monitored by this Hon'ble Tribunal besides Bellandur Lake.
5. It is submitted that whilst the above OA was pending before the Hon'ble Principal Bench, a committee headed by HMJ. Santosh Hegde (Retd. Judge, Supreme Court of India) came to be constituted by this Hon'ble Tribunal vide order dated 06.12.2018, to monitor the rejuvenation works being carried out.
6. The said OA thereafter came to be disposed of by this Hon'ble Tribunal vide order dated 12.03.2021.

7. In light of the above, it is submitted that the photographs produced by the Applicant are not '*construction*' activities. Rather, the same pertain to rejuvenation and rehabilitation works being carried out for the said lake in accordance with the above directions.
8. It is pertinent to note that the temporary bund on either side of diversion channel is constructed inside the lake to avoid sewage water entering into the lake and the same has been used for the purpose of transportation of silt to designated places.
9. Further, a cofferdam is constructed across the lake as a temporary structure to avoid the water entering into the non-desilted area of the lake. The above constructions are temporary in nature and are in fact essential for rejuvenation of lake. It is submitted that no permanent structure is being constructed inside the lake.
10. It hence submitted that all lake related works being executed by the answering Respondent is only to protect and rejuvenate the lake. The works undertaken will help safeguard the lake against pollution and other source of contaminants. Further,

the treatment procedure followed will help to mitigate the foul odour, algae, mosquito breeding, weed formation and other undesirable problems affecting the water and surrounding area. True Copy of photographs with geolocation tags pertaining to ongoing rehabilitation and rejuvenation works carried out by the answering Respondent are annexed herewith as **Annexure R-1**.

11. It is hence submitted at the cost of repetition that the works being carried out by the answering Respondent are lake rejuvenation works in compliance of this Hon'ble Tribunal's orders itself, as opposed to any construction projects as alleged by the Applicant. In light of the above, it is prayed that the instant Application be dismissed with costs.


Commissioner
Bangalore Development Authority
Bangalore Development Authority
Bangalore-560 020.

Filed By


Darpan KM

Counsel for Respondent No. 2

Date: 07.11.2023

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AFFIDAVIT

I, N.Jayaram S/o Narasimhaiah, aged about 58 years, working as Commissioner, Bangalore Development Authority, having office at Kumara Park West, T. Chowdaiah Road, Bengaluru - 560 020, Karnataka do hereby solemnly affirm and state on oath as follows:

1. That I am the Commissioner, BDA, Bangalore and hence I am fully aware of the facts of the case as per record and I am competent to swear the instant affidavit.
2. That I have gone through the accompanying Reply, drafted on my instructions. I say that the contents thereof are true and correct to the best of my knowledge and belief, and nothing material has been concealed thereof. Annexures are true copies of their respective originals.

[Handwritten Signature]
DEPONENT
COMMISSIONER

Bangalore Development Authority,
Bangalore-560 020

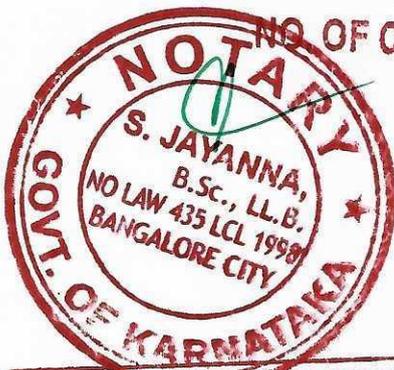
VERIFICATION:

I, the above named deponent do hereby verify that the contents of my affidavit are true and correct to the best of my knowledge and belief, no part of which is false and nothing material has been concealed therefrom.

Verified at Bangalore on this 7th day of NOV, 2023

[Handwritten Signature]
DEPONENT
COMMISSIONER

Bangalore Development Authority,
Bangalore-560 020



SWORN TO BEFORE ME

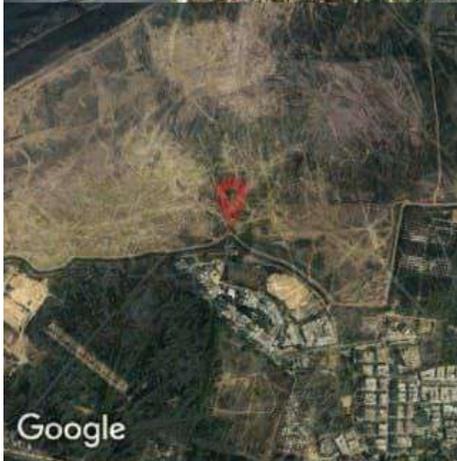
[Handwritten Signature]
S. JAYANNA, B.Sc., LL.B.
NOTARY & ADVOCATE
Room No. 13, Basement Floor,
No. 1, Amar Towers, 1st Main, 1st Cross,
Gandhinagar, BENGALURU - 560 009.

**GOVT. OF KARNATAKA HAS DISCONTINUED
THE USE OF STAMPS W.E.F. 1-4-2003
HENCE NOTARIAL STAMPS NOT AFFIXED**

NO OF CORRECTIONS 3



PIPE CULVERT CONSTRUCTED ACROSS DIVERSION CANAL BEHIND FIRING RANGE



Google

WMH6+R74, Ibbaluru, Bellandur, Bengaluru, Karnataka 560102, India

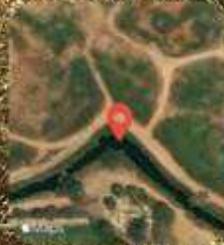
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Longitude	77.660618	77°39'38" E

2023-11-03(Fri) 08:52(AM)

DIVERSION CANAL ADJACENT TO LAKE BUND



GPS Map Camera

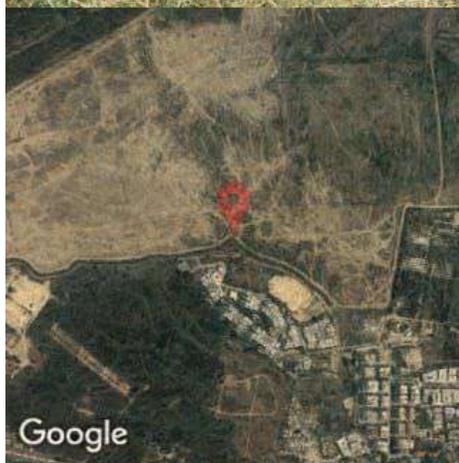


Bengaluru, KA, India
Bellandur, Bengaluru, 560103, KA, India
Lat 12.930078, Long 77.660698
11/03/2023 10:52 AM GMT+05:30
Note : Captured by GPS Map Camera

1st COFFER DAM OPPOSITE TO KATERAMMA TEMPLE



1st COFFER DAM OPPOSITE TO KATERAMMA TEMPLE

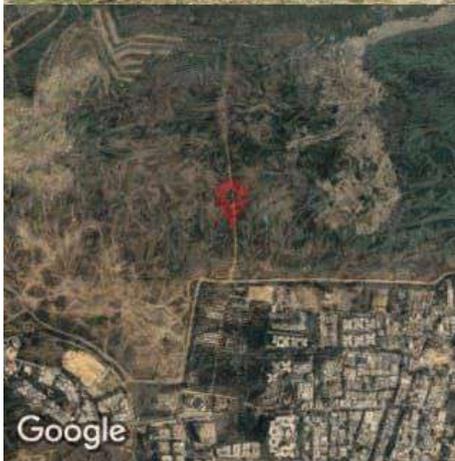


WMH6+R74, Ibbaluru, Bellandur, Bengaluru, Karnataka 560102, India

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2023-11-03(Fri) 08:48(AM)

2nd COFFER DAM NEAR WEIGHBRIDGE



WMJ9+58X, Green Glen Layout, Bellandur, Bengaluru, Karnataka 560103, India

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2023-11-03(Fri) 08:37(AM)