

**BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTH ZONE, CHENNAI
O.A.No. 61 of 2015 (SZ) with O.A.No. 62 of 2016 (SZ)**

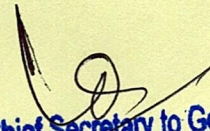
Human Rights & Consumer Cell Protection Trust
Rep. by Thakur Rajkumar Singh
and 3 others.
Applicants

-Vs-


The State of Telangana
Rep. by its Chief Secretary,
Secretariat, Hyderabad,
Telangana State and others
Respondents

**PERIODICAL PROGRESS REPORT BY THE SPECIAL CHIEF SECRETARY TO
GOVERNMENT, IRRIGATION & CAD DEPARTMENT**


Sl.No	Action Proposed	Action Taken by the Department.
(i)	The committee constituted by the Government of Telangana as mentioned in the earlier part of this judgment is directed to undertake proper survey of the area and fix the FTL and buffer zone as per the plan if any, already prepared in this regard and if there is any violation found, take steps to remove such encroachment, after giving an opportunity to the violators, of being heard under the respective statutes and pass appropriate orders in accordance with law and evict them from the encroached areas and restore the water bodies and canals to restore the same to	<p>In pursuance of the directions of the Hon'ble court, it is submitted that Survey of the 3 Lakes namely i) Chelli kunta, ii) Medla Cheru and iii) Vanam cheru is taken fixings the FTL contour and Buffer Zones. Further, in compliance with the directions of the Hon'ble court, for fixing the FTL contours of the above three lakes the plans already prepared based on the available maps and submitted to the Hon'ble NGT in the year 2017 duly certified by the Irrigation Engineer and Revenue officials clearly showing/depicting the FTL contour and buffer zone on the village maps are considered and taken as reference maps.</p> <p>Further, it is submitted that the Geo- coordinates (i.e latitude, longitude of location) of the FTL points in respect of all the three lakes i.e Vanam cheru (LPC lake ID No:3705) MedlaCheru (LPC lake ID No:3704) and Chelli Kunta (LPC lake ID No:609/613) are extracted /picked as per the peg marking done based on the reference maps as explained above and completed.</p>


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	its original position in accordance with law.	Accordingly, preparation of Cadastral Maps by superimposing the FTL map on Village maps and the extent of area affected in FTL and Buffer with Survey Number wise extent details is completed jointly by the team of Irrigation and Revenue officials.
(ii)	If any permission has been granted for conversion of agricultural land for non agricultural purpose or any building permission has been granted against the regulation and the Government Orders in this regard as detailed in the earlier paragraphs of this judgment, then they are directed to take steps to recall those orders and take action against those persons who were illegally granted such permission without application of mind and against the regulation and direction issued in this regard, after giving proper notice and opportunity of hearing the persons in whose favour such permissions were granted, before revoking the same and taking action against them so that the aggrieved person can approach the appropriate forum for appropriate relief in	<p>It is submitted that, the Identification of Encroachments in respect of Vanam cheruvu and Chelli kunta lake is completed as per the map prepared and in respect of Medla cheruvu lake Identification of Encroachments is in the process and will be completed by 20th August, 2022.</p> <p>It is further submitted that there are 4 No's encroachments identified in the FTL/Buffer zone of Vanam Cheru lake and as per directions of the Hon'ble NGT court, notices are issued by the Tahsildar, R.C Puram Mandal of Revenue Department to the encroachers for unauthorised illegal constructions as per Sec. 23 of Telangana Water, Land and Trees Act 2002 for calling their explanation and replies from the Persons on whom notices were issued are already received and same are under scrutiny for taking further necessary action.</p> <p>It is further submitted that there are 3 No's encroachments identified in the FTL/Buffer zone of Chelli kunta lake and as per directions of the Hon'ble NGT court, permissions that have been granted but coming within FTL and Buffer zone of Chelli kunta lake are being reviewed for serving the notices against the violators and for revoking the permission.</p>


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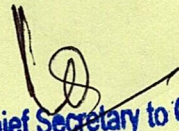
	accordance with law.	
(iii)	<p>If there were any inlet or outlet or canals which were acting as storm water drain to drain excess rainwater during the rainy season through private lands as well as public lands and were encroached and filled up without permission then they are directed to take appropriate action to restore the same as a precautionary measure to avoid flood in future or at least make alternate arrangement to drain out excess water even through the property of the persons who filled up the same on the guise that they are passing through the private land, after affording reasonable opportunity of hearing them in accordance with law.</p>	<p>In pursuance of the Hon'ble NGT directions, a detailed extensive survey of the inlet or outlet channels was carried out as desired by the committee of Advocate commissioners appointed by the Hon'ble NGT duly engaging survey experts in coordination with Irrigation, HMDA and Revenue departments and final report was submitted to the Hon'ble NGT. It is further submitted that in the final report the committee of Advocate commissioners made certain suggestions/recommendations regarding the formation of lined channels in respect of inlet and outlet channels of all the three lakes and the vent size of the channels to be adopted based on the discharge expected from the Catchment Area. It is further submitted that the recommendations made by the committee are being addressed following stipulated procedure and the estimates for restoration of Inlet Channels and Outlet channels by proposing lined channels are prepared and are under scrutiny for obtaining the administrative approval from the Government.</p>
(iv)	<p>The committee is also directed to prepare an action plan for protecting water bodies in future against encroachment by providing necessary protection measures like fencing and strengthening the bunds , establishing bio diversity park or green belt so as to</p>	<p>It is to submit that once the identification of encroachments within the FTL/Buffer zone of the three lakes is completed, the work for the restoration of Inlet Channels and Outlet channels by forming lined channels and fixation of boundary pillars for three lakes will be taken up.</p> <p>Further, it is proposed to prepare a master plan in coordination with Irrigation and HMDA by encapsulating all the suggestive measures of</p>


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	<p>avoid future encroachment.</p>	<p>the Hon'ble court so as to avoid future encroachment.</p> <p>It is to further submit that restoration measures like strengthening of bunds, repairs to sluice and weir works were already taken up under the Government prestigious programme "Mission Kakatiya" during 2016-17.</p> <p>The main objective / aim of "Mission Kakatiya" program is intended for the Renovation and Restoration of minor irrigation tanks/lakes to their original capacity by desilting thereby drawing the catchment water to the maximum extent possible. Further repairs to sluices, weirs, irrigation channels and feeder channels are also taken up to enhance the efficiency of the system duly minimizing the losses leading to water conservation.</p>
(v)	<p>The Chief Secretary of State of Telangana is also directed to consider the modification made by the Principal Bench of this Tribunal in THE FORWARD FOUNDATION case of refixing the buffer zone and green belt area, no construction area in respect of water bodies or nalas, as affirmed by the Hon'ble Apex Court in MANTRI TECHZONE PVT. LTD. VS. FORWARD FOUNDATION & ORS (2019 4 SCC 218) and try to carry out the same in their State by giving necessary direction to the</p>	<p>In the Government Memo dated 07-03-2022, the Engineer-in-Chief (General), Hyderabad is directed to prepare draft relevant guidelines on the FTL/Buffer Zone areas duly superseding all the existing guidelines pertains to water bodies issued in G.O.MS NO.111, 86, 678 &168, as there are different distances mentioned in each G.O and has to be streamlined to avoid confusion in implementation and implement the same with firm hand.</p> <p>The Engineer-in-Chief (General), Hyderabad also directed to place the draft guidelines before the Board of Chief Engineers for their approval and then send it to the Government for taking further action in the matter.</p>


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	Departments which are dealing with the protection of such water bodies, canals and nalas strictly in accordance with law, if this is more stringent than the existing one in the State.	
(vi)	The committee is also directed to consider the question of imposing environmental compensation against the persons who have encroached into the water bodies, dug bore well without permission and unauthorisedly drawn ground water, filled up nalas unauthorisedly and assess the environmental compensation, taking into the account the damage caused to environment, loss of ecological service and cost required for restoration of the same, after giving reasonable opportunity to such violators before imposition of compensation and take steps to recover the same in accordance with law.	With regard to the issues pertaining to the irrigation Dept, suitable action will be initiated in coordination with the appropriate authorities once the identification of encroachments in FTL and Buffer zone of the lakes and serving proper notices to the persons who have made encroachments is completed. And based on their explanation further action taken report will be submitted for kind perusal of the Hon'ble court.
(vii)	The committee as well as the Chief Secretary are directed to submit periodical progress	It is humbly submitted that, a periodical progress report on the progress achieved so far is hereby submitted for kind perusal of the Hon'ble Court.

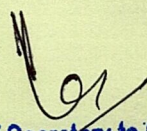

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	of the steps taken by them to implement the direction given by this Tribunal to this Tribunal once in three months and on receipt of such report, the office is directed to place the same before the Bench for further direction.	
(viii)	The authorities are also directed to consider the recommendations made by the joint committee for protecting the water bodies in future and try to implement the same taking into account the feasibility and practicability of the same.	The Recommendations made by the Joint committee are being considered and followed for protecting the water bodies.

DATED: 28-07-2022

PLACE: HYDERABAD

IRRIGATION & CAD DEPARTMENT


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