

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION NO. 6/2023**

IN THE MATTER OF:

V Paramesh

...APPLICANT

Versus

The Deputy Commissioner
Bengaluru Urban District, Bengaluru and Ors.

...RESPONDENTS

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
(SOUTHERN ZONE, CHENNAI)**

BETWEEN:

O.A.No.06/2023(SZ)

SRI.PARAMESH. V

.....APPLICANT

V/s.

THE DEPUTY COMMISSIONER,
BENGAULURU URBAN DISTRICT,
BENGALURU AND OTHERS.

.....RESPONDENTS

**REPLY STATEMENT OF THE RESPONDENT NO.1-DEPUTY
COMMISSIONER, BENGALURU URBAN DISTRICT, BENGALURU**

MOST RESPECTFULLY SHOWETH:

1. The appellant has filed the above petition alleging that the multi-storied residential apartment by M/s Surya Projects in the name of Surya Humming Bird' having a built up area of 41,867.15 sq.mtr, which is a permanent concrete structure is being constructed by encroaching and blocking the Rajakaluve and its buffer zone.
2. In the above case, this Hon'ble Tribunal in its order dated 08.02.2024, directed to the Deputy Commissioner, Bengaluru Urban District, to file a report regarding the classification of the land in Sy.No.42, whether it was reclassified and if so, when and under which proceeding.
3. Relating to the above direction, I have immediately taken the steps and issued the direction to the concerned Tahsildar, Bengaluru East Taluk to submit the report immediately. The jurisdictional Tahsildar with the concurrence of Additional Deputy Director of Land records, Bengaluru East Taluk submitted a report dated 22.11.2023, along with a sketch

which states that there is a Kharab of 0-02 Guntas, pertains to the Canal and Kharab of 0-01 Gunta, pertains to the Well in Sy.No.42 and Kharab of 0-01 Gunta pertains to Canal in Sy No.44/1 and the said Kharab land is vacant and there is no development in said area. The owner of the said survey number has constructed a compound around their land. It is also stated that the building has been constructed from the centre of the Canal leaving the buffer and the Canal buffer space has not been encroached upon. The report of the Tahsildar is marked along with the sketch is produced herewith marked as **Anexure-1**.

4. Further, as the report of the Tahsildar, Bengaluru East Taluk dated 22.11.2023, is not being cleared about the classification, I have again directed the Tahsildar, to submit the report in the clear terms. As per the said direction the Tahsildar, Bengaluru East Taluk has submitted the report dated 28.02.2024, which disclose that as per the R.T.C Sy.No.42 is a private land, which comprised of 'A' Kharab land measuring to an extent of 0-01 Gunta and 'B' Kharab land measuring to an extent of 0-02 Guntas. The said report, along with the R.T.C and Akarband is produced herewith marked as **Annexure-2**.

WHEREFORE, it is most humbly prays that this reply statement kindly be taken on record, in the interest of justice and equity.


Deputy Commissioner,
Bengaluru Urban District,
Bengaluru

Date: 28-02-2024.

Annexure 1

GOVERNMENT OF KARNATAKA

OFFICE OF THE TAHSILDAR

BENGALURU EAST TALUK, KRISHNARAJAPURA, BENGALURU

No. N.C.R(K)/CR/16/2023-24

Dated: 22-11-2023

To,
The Tahsildar,
Jaridala (Enforcement Cell),
Bengaluru.

Sir,

Subject: Regarding removal of encroachment in buffer zone by
M/S Surya Projects in Sy No 42, 44/1 and 44/2 of
Channasandra Village, Budarahalli Hobli,
Bengaluru East Taluk.

Reference: 1) Your Office Letter No.Spl.DC/Enf/E/CR-205/2022-
23, dated:21.03.2023.

2) Report No.Bhu.Sa.Ni/Podi/others/197/2023-24,
dated:02.08.2023 of the Assistant Director of Land
Records, Bengaluru East Taluk.

3) Report Number: NK/Bidarahalli/NCR/CR-89/23-
24, dated:29.09.2023 of the Deputy Tahsildar,
Bidarahalli Nada Kacheri.

A case has been registered in the Hon'ble National Green Tribunal, Chennai, regarding the construction by the M/S Surya Project by encroaching Canal (Rajakaluve) and its buffer zone in Sy. No. 42, 44/1, and 44/2 of Channasandra Village, Bidarahalli Hobli, Bangalore East Taluk, and a report is sought regarding the same in the letter cited under reference (1), a letter has been sent to the local revenue officers and the Assistant Director of Land Records to verify the same. The Assistant Director of Land Records has submitted a report with a survey map as per reference (2) which states there is a Kharab of 0-02 Guntas, which pertains to the Canal, and a Kharab of 0-01 Gunta, which pertains to the Well in Sy. No. 42 and Kharab Of 0-01 Gunta pertains to Canal in Sy. No.44/1 and the said Kharab lands are vacant and

there is no development in the said area. The owner of the said Sy. No. has constructed a compound around their land. It is submitted that the building has been constructed from the center of the canal leaving the buffer area which is measured in meters and the canal buffer space has not been encroached upon. In this regard, the local revenue officers have also submitted a report as per reference (3). The reports submitted as per references (2) and (3) are enclosed with this letter.

Yours faithfully,

SD/-

Tahsildar

Bengaluru East Taluk,

Krishnarajapura.

GOVERNMENT OF KARNATAKA

OFFICE OF THE TAHSILDAR

BENGALURU EAST TALUK, KRISHNARAJAPURA, BENGALURU

No. NK/Bidarahalli/NCR/CR/89/2023-24

Dated: 22-11-2023

To,
The Tahsildar,
Bengaluru East Taluk,
Bengaluru.

Sir,

Subject: Regarding removal of encroachment in buffer zone by
M/S Surya Projects in Sy No 42, 44/1 and 44/2 of
Channasandra Village, Budarahalli Hobli,
Bengaluru East Taluk.

Reference: 1) Memo of the Tahsildar, Bengaluru East Taluk vide
No.NCR(K)/CR-205/2023-24.

2) Report No.RI(kadugodi)/PR/225/2023-24, of the
Revenue Inspector, Kadugodi Circle.

As per your directions under reference (1), the Revenue Inspector,
Kadugodi Circle has submitted a report.

The report states that the land in Sy No 42, 44/1, and 44/2 of
Channasandra Village, Budarahalli Hobli, Bengaluru East Taluk are private
lands. Regarding the identification of encroachments in the Canal buffer zone
by M/S Surya Projects a sketch has been prepared in the presence of BBMP
Officers and as per the memo of the Assistant Director of Land Records,
Bengaluru East Taluk vide No.Bhu. Sa.Ni/others/40/2023-24,
dated:01.06.2023 and letter no.KPA/SWD/MV/PR/50/2022-23 Bengaluru
dated:26.05.2023 of the Executive Engineer, Storm Water Drain, BBMP. As
per the report of the Revenue Inspector, Kadugodi Circle dated:25.09.2023
there is a Kharab of 0-02 Guntas, which pertains to the Canal, and a Kharab
of 0-01 Gunta, which pertains to the Well in Sy. No. 42 and Kharab Of 0-01
Gunta pertains to Canal in Sy. No.44/1 of Channasandra Village and the said

Kharab lands are vacant and there is no development in the said area. The owner of the said Sy. No. has constructed a compound around their land. It is submitted that the building has been constructed from the center of the canal leaving the buffer area which is measured in meters and the canal buffer space has not been encroached upon. The factual report is submitted for your consideration.

Yours faithfully,

SD/-

Deputy Tahsildar

Bidarahalli Nadakacheri,

Bengaluru.

No.R.I(K) PR/225/2023-24

Office of the Revenue Inspector,
Kadugodi Circle, Bidarahalli Hobli,
Bengaluru East Taluk

Dated:

: REPORT :

Subject: Regarding removal of encroachment in buffer zone by M/S Surya Projects in Sy No 42, 44/1 and 44/2 of Channasandra Village, Budarahalli Hobli, Bengaluru East Taluk.

Reference: 1. Memo of the Tahsildar, Bengaluru East Taluk vide No.NCR(K)/CR-205/2023-24.
2. Memo of the Nadakacheri, Bidarahalli vide No.NCR/CR/89/2023-24.
3. Memo of the Assistant Director of Land Records, Bengaluru East Taluk vide No.Bhu.Sa.Ni/Podi/others/197/2023-24, dated:02.08.2023.

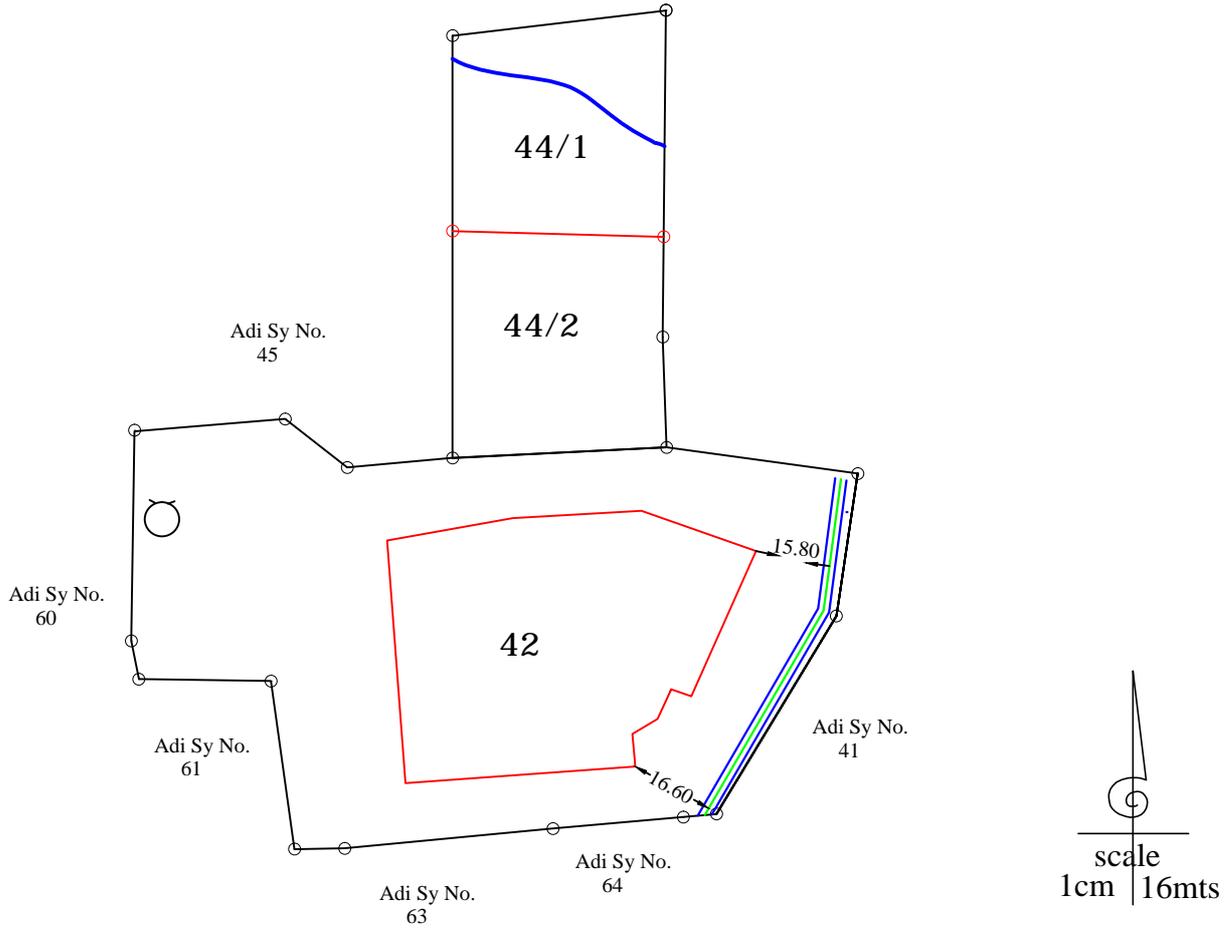
Concerning the above subject and as per the report of the Surveyor and sketch prepared the land in Sy No 42, 44/1, and 44/2 of Channasandra Village, Budarahalli Hobli, Bengaluru East Taluk are private lands. Regarding the identification of encroachments in the Canal buffer zone by M/S Surya Projects a sketch has been prepared in the presence of BBMP Officers and as per the memo of the Assistant Director of Land Records, Bengaluru East Taluk vide No.Bhu. Sa.Ni/others/40/2023-24, dated:01.06.2023 and letter no.KPA/SWD/MV/PR/50/2022-23 Bengaluru dated:26.05.2023 of the Executive Engineer, Storm Water Drain, BBMP. As per the report of the Revenue Inspector, Kadugodi Circle dated:25.09.2023 there is a Kharab of 0-02 Guntas, which pertains to the Canal, and a Kharab of 0-01 Gunta, which pertains to the Well in Sy. No. 42 and Kharab Of 0-01 Gunta pertains to Canal in Sy. No.44/1 of Channasandra Village and the said Kharab lands are vacant and there is no development in the said area. The owner of the said Sy. No.

has constructed a compound around their land. It is submitted that the building has been constructed from the center of the canal leaving the buffer area which is measured in meters and the canal buffer space has not been encroached upon. The factual report is submitted for your consideration.

SD/-

Revenue Inspector
Kadugodi Circle, Bidarahalli Hobli
Bengaluru East Taluk

The sketch Shown by the SY. NO.42,44/1,44/2



1. As per the circular issued by the ADLR vide No.Bhoo. Sa.Ni(pHodi)misc/40/23-24 Dated:01-06-2023 and The letter issued by the Executive Engineer maior irrigation Channels Mahadevapura zone , BBMP issued vide letter No.KAPAHA/Bru.Ne.Ga.Ma. Va/Pr/50/2022-23 dated:26-05-2023 in the presence of the BBMP Officials the land was Measured and the sketch was prepared.
2.  This Symol shown against the place /land shows that 0-02 guntas records to channel and 0-01 gunta regards to well and in SY.NO.44/1 0-01 gunta regards to channel and as per the Original Survey Records, Kharab Existed as per the Present Situation there is Vacant Land there is in the sopt of Development the owner of the hiduvali land in the said Survey Number has constracted the componud the property.
3. From the centre of the Channel leaving out/excluding out the Buffer Zone the Building has beenbuilt there is no encroachment of the Buffer zone of the channel

Taluku Surveyor
Bangalore east taluku
K.R.Pura

Annexure 2

GOVERNMENT OF KARNATAKA

(REVENUE DEPARTMENT)

OFFICE OF THE TAHSILDAR, BENGALURU EAST TALUK,
KRISHNARAJAPURA

No: N.C.R. (B) C.R.18/17-18

Dated: 28/02/2024.

To

Deputy Commissioner,

Bengaluru Urban District.

Bengaluru.

Sir,

Subject:- Regarding providing information for Case No. O.A.06/2023 of the Hon'ble Green Tribunal in respect of Land of Sy. No.42 of Channaandra Village, Bidarahalli Hobli, Bengaluru East Taluk.

Reference:- Case No. O.A.06/2023 of the Hon'ble Green Tribunal.

As per reference, the Case is registered in the Hon'ble Green Tribunal, in respect of Land of Sy. No.42 of Channasandra Village, Bidarahalli Hobli, Bengaluru East Taluk, as per Proceedings Orders of the Court conducted on dated: 08/02/2024 in the said case, directed to file report regarding type of the Land of Sy. No.42 of the said Channasandra Village and its classifications. Verified in this regard, as appearing in the present Computerised Pahani of Sy. No.42 of the said Channasandra Village, there is total 2-22 A/Guntas, kharab 0-03 Guntas, the balance remaining is 2-19 A/Guntas, the Khatha is recorded in the joint names of Muniyamma w/o late Munivenkatappa and others, in Column No.11 of Pahani, entered as notified to acquire the land extent 0-24 Guntas for B.D.A. for PRR-1 Project

as per Government Final Notification No. U.D.D/399/M.N.X/2006, BANGALORE, Dt: 29/06/2007. As seen in Akarband of the said land, out of total 2-22 A/Guntas, recorded as "A" Kharab 0-01 Guntas, "B" Kharab 0-02 Guntas the balance remaining is 2-19 A/Guntas, already regarding the subject matter, verified the spot earlier as per Sketch prepared by the Taluk Land surveyor, filed report that regarding Canal in the said Sy. No.42, 0-02 Guntas, and regarding Well, there is 0-01 Guntas, there is Kharab. Filing all the above points for your perusal, for further action.

Yours faithfully,

SD/-
Tahsildar,
Bengaluru East Taluk,
K.R. Pura.