

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

ORIGINAL APPLICATION No. 97 OF 2022 (SZ)

IN THE MATTER OF:

Dr.M.S.Tejaswari,
Telangana.

....

Applicant(s)

Versus

Union of India & Ors.

....

Respondent(s)

**REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD
(RESPONDENT No. 3)**

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Place: Hyderabad

Date: 12-07-2023.

T. Jankar

Counsel for 3rd Respondent

REPORT OF THE TELANGANA STATE POLLUTION CONTROL BOARD (TSPCB), (RESPONDENT NO.3) IN O.A.NO.97 OF 2022 (SZ) FILED BY DR. M.S. TEJASHWARI, TRIMULGHERRY, SECUNDERABAD

It is to submit that Dr.M.S.Tejashwari, D/o.Late Sri M. Sathyanarayana Reddy, R/o.H.No. 3-16-668/A, Trimulgherry 'X' Roads, Secunderabad has filed an O.A.No.97 of 2022 in the Hon'ble NGT, Chennai regarding damage of Boundary wall, laying of the drainage pipeline from the dwellings located in the Northern side of the petitioner's land and sewage entering into petitioner's land and open well thereby causing water pollution.

TSPCB has issued a notice dated 08.12.2022 to the Chief Executive Officer, Secunderabad Cantonment Board (**Annexure-I**) directing to take immediate measures for prevention of untreated sewage discharges and provide necessary treatment system for the sewage generated from the households in the locality. The Respondent Board has filed a report dated 19.12.2022 before the Hon'ble NGT.

Subsequently, the Secunderabad Cantonment Board (SCB) vide Lr.No.SCB/EB/NGT/3474 dated 27.12.2022 submitted reply to the notice issued by TSPCB dated: 08.12.2022 stating the following: (A copy of the reply is enclosed as **Annexure-II**).

1. There is a small village/hamlet Known as Chinna Kamela where in around 250 residential Houses are in existence from the past 50 years, this colony is situated on the upstream side of the Petitioner's land.
2. The drainage from the residential is flowing through natural gradient and ends in the cesspool/Agricultural kunta located in the subject land which belongs to the petitioner and from their land, there is no proper outlet for discharge of these effluents.

3. It was further stated that they have made attempts to convince Dr.M.S.Tejaswari and her brother to construct a proper underground pipeline through their open land to discharge the effluents, as shown in the layout of their father but they have not agreed to the request and obstructed the passage of the storm/drain water to the request and obstructed the passage of storm/drain water into their property by depositing construction waste, building material and debris resulted in stagnation of the sewage and storm water in the upstream area of Chinna Kamela between the dwelling houses and the petitioners land and causing highly contagious diseases and creating severe unhygienic conditions.

The Secunderabad Cantonment Board (SCB) also submitted that, SCB is contemplating appropriate action to discharge sewage/Storm water through underground drain line as per option-3 of the feasibility report submitted by M/s. P.S. Engineering Consultant after carrying out field survey. However, the said work could not be taken up keeping in view of the subsisting Status Quo Order dated 29.04.2022 passed by the Hon'ble High Court in W.P. No:22126 of 2022.

The issue was reviewed in the Task Force Committee meeting held on 29.12.2022 at TSPCB, Zonal Office, Hyderabad. The representative of the Secunderabad Cantonment Board and the petitioner have attended the meeting. The Committee noted that the sewage generated from the colonies in and around the area is joining the natural stream and getting stagnated in the petitioners land premises. Secunderabad Cantonment Board (SCB) has taken up study, however, they have not proposed any STP to treat the sewage and only planning to divert the sewage. The Petitioner informed that the total sewage is getting stagnated in Petitioner's open land and the SCB is

planning to divert the sewage through underground pipelines conveyed through the Petitioner's private land.

After detailed discussion, the Committee recommended to issue directions to the SCB. As per the recommendations of the Committee, TSPCB, Zonal Office has issued Directions dated 24.05.2023 to the SCB under Section 33(A) of the Water (Prevention and Control of Pollution) Amendment Act, 1988 with the following directions: **(Annexure - III)**

- i. The Secunderabad Cantonment Board shall provide proper I&D structure/ drainage system to collect and divert the sewage joining into the natural storm water drains.
- ii. The Secunderabad Cantonment Board shall provide STP of suitable capacity to treat the sewage generated from the colonies in the area. Proper study shall be carried out to assess the quantity of sewage generated keeping in the future requirements on quantity of sewage to be generated.
- iii. The I&D channels shall be connected to the proposed STP and the treated waste water shall be reused for gardening purpose in the area.
- iv. Secunderabad Cantonment Board shall furnish a detailed Action Plan with timelines to treat the Sewage generated in the area within 15 days.

In reply to the Board directions, the Secunderabad Cantonment Board submitted reply dated 14.06.2023 stating the following:

1. The drainage from the residential area is flowing through natural gradient which ends at cess pool which is more particularly

described as Muriki Bhavi (Dirty water well) from the decades and the same indicated in the final decree proceeding that Late Satyanarayana was allocated an agricultural land known as Muriki bhavi to the extent of Ac. 03-11 gts. in Sy. No.96 to 99 which clearly establishes that the subject well is in receipt of sewage line from the upstream of the suit schedule property.

2. Further, Dr.Tejaswari has also filed an Original Application bearing No:97 of 2022 before the National Green tribunal, southern zone at Chennai, seeking appropriate directions against Cantonment Board for allowing the sewage generated in the vicinity. A detailed counter was filed on 16.02.2023 before the Hon'ble Green Tribunal and the said application is pending for finalization.
3. Dr.Tejaswari and her brother filed one more WP No:22126/2022 before the single Judge of the Hon'ble Hgh Court of Telangana. Pending WP, the Hon'ble High court passed an interim order dated 29.04.2022 directing both the parties to maintain status Quo. In view of the above orders, this office could not execute the work of laying underground drain through the agricultural land which is part of a project layout submitted by the late father of the petitioner, as the said option was the most feasible/economical and effient alignment to discharge sewage which was suggested by the consultant engaged by the Cantonment Board after due site inspection and considering the natural topography and gradient.
4. Further, it is informed that after receipt of the TSPCB order dated 24.05.2023, the matter was again placed before the Board and the Board in its Ordinary meeting held on 01.06.2023 has resolved to

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explore the feasibility of installation of sewage Treatment Plant(STP) at the site, to prepare Detailed Project Report(DPR) and to install STP, if feasible, through HMWS&SB who has expertise in the relevant field for setting up Sewage Treatment Plant(STP) by keeping in view of the future requirement as well as recycling of sewage for other utilities. Enclosed a copy of the letter No. SCB/EB/Chinna Kamela/GLR Sy. No.360/1184, dated 13th June, 2023, addressed to the Managing Director, HMWS&SB.

5. SCB further informed that they are taking up a project of rejuvenation of Trimulgherry Lake by laying a ring sewer line through HMWS&SB in 15th Finance Commission Funds. A request has already been taken up with HMWS&SB for inclusion of the subject proposal in the said project by carrying out site inspection by the experts for preparing DPR and feasibility report after considering all the relevant aspects of environmental conservation.
6. Further, the SCB requested the HMWS&SB to furnish the timelines and action plan in compliance with the directions of TSPCB vide proceedings dated 24.05.2023 and the detailed action plan with its timelines shall be intimated in due course. Copy of the reply dated 14.06.2023 of SCB is enclosed as **Annexure -IV**.

It is submit that the Secunderabad Cantonment Board has to take measures for treatment of the sewage generated.

Place: Hyderabad
Date: 11.07.2023



ENVIRONMENTAL ENGINEER
Environmental Engineer
T.S. Pollution Control Board
Regional Office, Medchal



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TELANGANA STATE POLLUTION CONTROL BOARD
REGIONAL OFFICE, MEDCHAL

ANNEXURE-I

6-3-1219, Block -C, 2nd Floor, Ward No - 91, Near Country Club,
Kundanbagh, Umanagar, Begumpet, Hyderabad -16.

Telephone : 23404744
Website : tspcb.egg.gov.in

Notice No. 15 /TSPCB/RO-MDC/2022 533

Date:08.12.2022

Sub: TSPCB - RO – Medchal – Hon'ble NGT, Chennai OA No. 97 of 2022 filed by Dr. M.S. Tejashwari – Discharge of untreated sewage into petitioners land – NOTICE – ISSUED – Reg.

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It is to bring to your notice that an original Application No. 97 of 2022 was filed in the Hon'ble National Green Tribunal (NGT), Chennai by Dr. M.S. Tejashwari regarding polluting the land and agricultural well situated in their property for allowing sewage generated by the illegal Defence land encroachers etc.,

In this regard, the Telangana State Pollution Control Board officials inspected the petitioners land and surroundings on 03.11.2022. During the inspection, it was observed that untreated sewage from the dwelling in the North side of petitioners land was entering into their land and into the open well. The Board officials collected waste sample of the open well and as per the analysis results, the high values of Total Coliform – 540 MPN/100 ml and Fecal Coliform – 33 MPN / 100 ml indicates that the untreated sewage was entering into the open well situated in the petitioners land.

As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974, Section 25 & 26 shall take necessary measures for treatment of sewage generated.

Hence, it is (directed to take immediate measures for prevention of untreated sewage discharges and provide necessary treatment system for the sewage generated from the house holds in the locality.)

You reply if any, shall reach this office within (15) days from the date of receipt of this notice. Failing which, the Board will be constrained to initiate action against the Local Body as per the Provisions of Water (Prevention and Control of Pollution) Act, 1974.

A. Rajend
08/12/2022
ENVIRONMENTAL ENGINEER

To
The Chief Executive Officer, ✓
Cantonment Board, Secunderabad.

Copy submitted to JCEE, TSPCB, Zonal Office, Hyderabad for kind information and necessary action.

Copy submitted to JCEE (Legal), TSPCB, Board Office, Hyderabad for kind information and necessary action.



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Annexure-II



सिकंदराबाद छावनी परिषद
सरदार पटेल मार्ग, कोर्ट हौस परिसर, सिकंदराबाद 500003
दूरवानी संख्या ०४० - २७८०८६०० / ०४० - २७८०८६०१
SECUNDERABAD CANTONMENT BOARD
SARDAR PATEL ROAD, COURT COMPOUND, SECUNDERABAD 500003
Tel No. 040-27808600 / 040 - 27808601
Email ID: ceo.scb2009@gmail.com



भारत 2023 INDIA
ONE EARTH - ONE FAMILY - ONE FUTURE

Lr.No.SCB/EB/NGT/3474

Dt. 27/12/2022.

To

The Environmental Engineer,
Telangana State Pollution Control Board,
Regional Office, Medchal,
Office # 6-3-1219, Block-C,
2nd Floor, Ward No.91,
Near Country Club, Kundan Bagh,
Uma Nagar, Begumpet,
Hyderabad - 500 016.



AEE-2
BR

Sir,

Sub: Hon'ble NGT (National Green Tribunal), Chennai, OA No.97 filed of 2022 filed by Dr. M.S. Tejaswari - Discharge of untreated sewage into Petitioner's Land - Notice issued to take measures for prevention of untreated sewage discharges and provide necessary treatment system for the sewage generated - Reg.

Ref: Notice No.15/TSPCB/RO- MDC/2022/533 dated 08.12.2022 received on 12.12.2022.

In this connection, it is informed that, this office has received the above referred Notice dated 08.12.2022 on 12.12.2022, wherein it was directed to take immediate measures for untreated sewage discharged water and provide necessary system for sewage generated by the households in the locality and also to furnish the reply within 15 days.

The detailed report on the subject matter is furnished below:

1. It is to state that, the subject land on which the Complainant i.e., Dr. M.S Tejaswari, alleged to be the owner, is classified as B-2 land forming part of GLR Sy.No 352/P, Trimulgherry Village and placed under the management of State Government.

2. Previously, one late M. Satyanarayana Reddy, father of the Petitioner, had submitted a Layout for approval for formation of housing plots in the subject land Adm. Ac.03-11 Gts. in Sy.No 96 to 99 forming part in GLR Sy.No.352(P) which was sanctioned vide CBR No.30 dated 06.02.2013, whereby it was proposed to lay residential colony by converting agricultural

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land into plots. In the said Layout, the father of the Petitioner has clearly demarcated that through an underground pipeline, the upstream sewage can be discharged connecting to an open nala in the downstream. However, the process could not be taken place, as the developer has not complied with the observations of the higher authorities of Ministry of Defence, which is the final authority to release the sanction of Layout.

3. Further, it is to state that there is a small village/hamlet known as Chinna Kamela where in around 250 residential houses are in existence from the past 50 years, which colony is situated on the upstream side of the Petitioner's land.

4. The drainage from the residential area is flowing through natural gradient and ends in a cesspool/agricultural kunta located in the subject land belongs to the Petitioner and from their land, there is no proper outlet for discharge of these effluents. This office has made attempts to convince Dr. M.S. Tejaswari and her brother to construct an a proper underground drain pipeline through their open land to discharge the effluents, as shown in the Layout of their Father, but they have not agreed to the request and obstructed the passage of storm/drain water into their property by depositing construction waste, building material and debris resulted in stagnation of the sewage and storm water in the upstream area of Chinna Kamela between the dwelling houses and the Petitioner's land and causing dangerous highly contagious diseases and creating severe unhygienic conditions.

5. In order to prevent stagnation of drain water and to curb unhygienic condition in vicinity and to release the stagnated sewage into the cesspool, the local people have removed the blockage and afterwards, the Secunderabad Cantonment Board has facilitated the free flow of sewage into cesspool created in the subject property. Afterwards, issued a Notice dated 16.02.2022 u/Sec. 213 & 224 of Cantonments Act 2006 to the Applicant and her brother for construction of underground drain line across their property, so as to discharge the sewage into the open nala.

6. Subsequent to issue of this Notice, the following events have taken place and the details are as under:

- i) Being aggrieved by this office Notice dated 16.02.2022, they filed Writ Petition No.8942/2022 before the learned Single Judge of the Hon'ble High Court of Telangana and obtained an Interim Order restraining this office from interfering with their possession and also directed not to lay any drainage pipeline through their property. This office filed a Vacate Stay Petition along with Counter Affidavit to vacate the Interim Order granted.
- ii) Pending Writ Petition, the Division Bench of the Hon'ble High Court has directed to post all the connected Writ Petitions of the Petitioners before the Division Bench. After hearing both the parties, a Common Order dated 02.03.2022 was passed in WP No.8942 of 2022 and 17313 of 2021 (filed for a direction to the

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Cantonment Board to prevent laying of a drainage pipes through their property) directing the Applicant and her Brother, M.S. Raghavender, to appear before the Chief Executive Officer of the Secunderabad Cantonment Board, and participate in the enquiry pursuant to the Notice issued to them on 16.02.2022 and the Chief Executive Officer was directed to pass appropriate final orders. Copy of Order of the Division Bench is enclosed as **Annexure-A**.

- iii) Pursuant to the direction given by the Division Bench, the Applicant and her Brother along with their Advocate, have appeared before the CEO, SCB on 07.03.2022 and made certain proposals on the issue of discharge of sewage through underground discharge. On such suggestions, before passing a Final Order, a Technical Committee was appointed by the Secunderabad Cantonment Board to submit a feasibility report. Meanwhile, vide an Interim Order dated 09.03.2022, the Applicant and her Brother were directed not to block the existing drain line until alternate arrangements are made as per the feasibility report. The said Interim Order is filed as **Annexure-B**.
- iv) Aggrieved by this Interim Speaking Order, Dr. M.S Raghavendra (Brother of the Applicant) filed a Writ Petition in WP No.19579/2022 before learned Single Judge of the Hon'ble High Court of Telangana against the Secunderabad Cantonment Board and pending Writ Petition, the Hon'ble Court by its Order dated 19.04.2022 directed the CEO to dispose of the matter finally within a week by 26.04.2022 as per the directions of the Division Bench in WP No.8942 of 2022. Copy of the Order dated 19.04.2022 of the Hon'ble High Court is enclosed as **Annexure-C**.
- v) Accordingly, the CEO, SCB passed a final speaking order dated 23.04.2022 whereby, the Board has decided to lay underground drain/storm water pipeline through the properties of the Applicant and her Brother by assigning valid reasons. Copy of the final speaking order dated 23.04.2022 is enclosed as **Annexure-D**.
- vi) Aggrieved by this final order, both the Applicant and her Brother, have filed one more Writ Petition in WP No.22126/2022 before learned Single Judge of the Hon'ble High Court of Telangana. Pending Writ Petition, the Hon'ble High Court passed an Interim Order dated 29.04.2022 directing both the parties to maintain Status Quo. Copy of the Interim Order passed by the Hon'ble High Court is enclosed as **Annexure-E**.
- vii) Subsequently, this office has filed Counter Affidavit and Vacate Stay Petition in both the Writ Petitions i.e., W.P. No. 19579/2022 and W.P. No. 22126/2022 and the same are pending for adjudication. In view of the Interim Order of Status Quo granted by the Hon'ble High Court, and since the matter concerning the discharge of sewage is sub-judice before the Hon'ble High Court of Telangana, the Secunderabad Cantonment Board could not take any further action on discharge of sewage from the upstream area.

7. Subsequently, the Applicant has ¹⁸ approached the Hon'ble NGT, Chennai, by way of filing O.A. No.97 of 2022 which is pending and the Secunderabad Cantonment Board is directed to file its reply and the case is adjourned to 24.01.2023.

8. Further, ~~it is~~ ^{they are} to inform that, this office is contemplating appropriate action to discharge sewage/storm water through underground drain line as per option 3 of feasibility report submitted by M/s. P.S. Engineering Consultants after carrying out field survey. However, the said work could not be taken up keeping in view of subsisting Status Quo order dated 29.04.2022 passed by the Hon'ble High Court in W.P. No.22126 of 2022.

9. In the light of the above, the Secunderabad Cantonment Board is restrained from entering into the property of the Applicant and her Brother, by passing an Order of Status Quo, as mentioned above, and hence could not take any immediate measures for prevention of untreated sewage discharges and also to provide any necessary treatment system for the sewage generated from the households in the locality. Hence your proposed action against local body i.e., the Secunderabad Cantonment Board, as per the provisions of Water (Prevention and Control of Pollution) 4.

Therefore, your Authority is requested to consider the above factual position and necessary instructions may be given to the Applicant, M.S. Tejaswari and her Brother, to give their consent for laying underground drainage outlet through pipelines passing through their land for discharge of sewage from the households in the locality connecting to a open nala in the downstream so as to prevent any percolation of untreated sewage discharges entering into private well/agricultural kunta of the Applicant and her Brother and this action could be initiated subject to outcome of the Writ Petitions pending before the Hon'ble High Court of Telangana, as detailed above, and requested that your Authority may kindly drop all further proceedings pursuant to reference cited Notice dated 08.12.2022.



Yours Sincerely,

[MADHUKAR NAIK D]
CHIEF EXECUTIVE OFFICER
SECUNDERABAD CANTONMENT BOARD

Encl. As above.

Copy to:-

- 1) JCEE, Zonal Office, Hyderabad - for information please.
- 2) JCEE (Legal), TSPCB, Board Office, Hyderabad - for information please.

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.8942 of 2022 & 17131 of 2021

COMMON ORDER: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

Regard being had to the controversy involved in the aforesaid cases, they were heard together and are being decided by a common order.

The facts of W.P.No.8942 of 2022 are reproduced as under:-

The petitioner before this Court has filed this present writ petition stating that he is the owner of land in Survey Nos.96/e, 97/a, 98/1 (part of 96,97,98) of Trimulgherry Village and Mandal, Secunderabad, and the defence authorities are laying a public drainage pipeline through his land without following the statutory provisions as contained under the Cantonments Act, 2006 (for short "the Act"). It has also been stated that without issuing any show cause notice of any kind, the boundary wall has been broken and water is coming inside the boundary wall.

On the other hand, learned counsel appearing for the Cantonment Board has stated that a notice was issued to the petitioner on 06.02.2022 under Sections 213 and 224 of the Act and the petitioner has also filed a reply to the aforesaid notice.

In the considered opinion of this Court, as the notice was issued under Sections 213 and 224 of the Act and the petitioner has already filed reply, the Cantonment Board has to pass a final order in the matter.

At this stage, learned counsel for the petitioner has stated before this Court that the petitioner be granted an opportunity of hearing also.

Learned counsel for the Cantonment Board is fair enough in stating that the petitioner will also be granted opportunity of hearing in the matter.

Keeping in view the aforesaid, the petitioner is directed to appear before the Chief Executive Officer, Cantonment Board, Secunderabad on 07.03.2022 at 10:30 AM and thereafter, the Cantonment Board shall be free to pass appropriate final order in accordance with law. It is needless to mention that in case orders are passed against the petitioner, there shall be no coercive action against the petitioner for a period of two weeks from the date of passing of such final order. The petitioner shall also be free to take recourse to the other remedies, as he is claiming compensation in the matter. He shall also be free to file a fresh writ petition before this Court, in case he is still

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aggrieved in the matter, and all other grounds raised in the petitions are left open.

With the aforesaid, the writ petitions stand disposed of.

Pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

02.03.2022
JSU

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सिकंदराबाद छावनी परिषद

सरदार पटेल मार्ग, कोर्ट हौस परिसर, सिकंदराबाद 500003

दूरवानी संख्या ०४० - २७८०८६०० / ०४० - २७८०८६०१

SECUNDERABAD CANTONMENT BOARD

SARDAR PATEL ROAD, COURT COMPOUND, SECUNDERABAD 500003

Tel No. 040-27808600 / 040 - 27808601

Email ID: ceo.scb2009@gmail.com



No.SCB/EB/632 .

Date: 09 -03-2022.

Sub:- Interim Speaking Order in compliance of Order in W.P. No.8942/2022 and in W.P. No.17131/2021 of High Court of Judicature at Hyderabad - Reg.

* * * * *

In compliance of the Hon'ble High Court w.r.t. to W.P. No.8942/2022 and in W.P. No.17131/2021 between:

- 1) Shri M.S. Raghavender,
S/o. late M. Sathayanarayana Reddy,
R/o. Plot No.1, Chandragiri Colony,
Trimulgherry,
Secunderabad - 500 015.
Mobile No.8501037390

... Petitioners

AND

- 1) The Union of India,
Represented by its secretary
Ministry of Defence New Delhi
- 2) The Secunderabad Cantonment,
Rep. by its Chief Executive Officer,
Court Compound, SP Road,
Secunderabad, Telangana -
500003.

... Respondents

The Hon'ble Court has directed the petitioner to appear before the Chief Executive Officer, Cantonment Board, Secunderabad on 07.03.2022 at 10:30 AM and thereafter, the Cantonment Board shall be free to pass appropriate final order in accordance with law.

Chief Executive Officer
Secunderabad Cantonment Board

Page 1 of 4

Pursuant to the orders of the Hon'ble High Court the respondent No. 2, Secunderabad Cantonment Board represented by Chief Executive Officer has conducted the hearing on 07.03.2022 at 10:30 AM.

The petitioner Dr. M.S. Raghavender, alongwith Dr. M.S. Tejaswari, D/o. late Satyanarayana Reddy, and his advocate Shri R Ranganathan has appeared before the undersigned on 07.03.2022 at 10:30 AM.

Shri R Ranganathan, the learned Counsel of the petitioner has read out the notice issued by Secunderabad Cantonment Board, dated 16.02.2022. The learned Counsel of the petitioner submitted that as per Section 213 and 224 the said notice is issued to the petitioner by the respondent Board for laying of an underground storm/drainwater pipeline passing through the immovable property of the petitioner. Shri R Ranganathan, has explained that Section 213 of Cantonments Act, 2006 refers to any premises are in the opinion of the Chief Executive Officer, without sufficient means of effectual drainage and a Cantonment drain or some place approved by the Chief Executive Officer for the discharge of filth and other polluted and obnoxious matter is situated at a distance of not exceeding thirty meters from any part of the said premises, he may, by written notice, require the owner of the said premises. But in this case the drain is more than thirty meters distance.

Whereas, Shri R Ranganathan, informed that the construction of compound wall made by his client 20 years ago and as per the provisions of Section 261 of Cantonments Act, 2006 in case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the Chief Executive Officer or which was in existence at the commencement of this Act, the Board shall make compensation for any damage caused by the removal thereof.

Whereas, Shri R Ranganathan, also apprised that as per Section 24 of the Water (Prevention and Control of Pollution) Act, 1974, no drain no person shall knowingly cause or permit any poisonous, noxious or polluting matter

Page 2 of 4
Chief Executive Officer:
Secunderabad Cantonmen

determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any stream or well or sewer or on land].

Whereas, Shri R Ranganathan, informed that as per the provisions of Section 224 of Cantonments Act, 2006 the Chief Executive Officer may, by order in writing, authorize the owner of the premises to place or carry such drain over, under, along or across such immovable property. Whereas, the owner of the property in this case is Central Government, but the people resident the adjacent to the land of the petitioner are the encroachers on the Defence land.

Whereas, the Chief Executive Officer, Secunderabad Cantonment Board has informed that it is the primary duty of Board to maintain the health and hygiene of the residents of the Cantonment. The Board has the power of laying the drainage line in the private property in accordance with the Cantonments Act, 2006. If the occupants of the land are not in a position to lay the drain, the Cantonment Board can lay the drain to maintain the health and hygiene of the people.

Further, CEO informed that, the boundary wall constructed in the petitioner's property is without the permission of the Competent Authority. The petitioner who has submitted the NOC in the Hon'ble Court obtained from the AQMG (Lands) is only from land point of view but the permission for erection of the boundary wall is to be obtained from Chief Executive Officer, Secunderabad Cantonment Board. Whereas, the petitioner, has not obtained any permission for construction of such boundary wall from the Chief Executive Officer, Secunderabad Cantonment Board.

Whereas, Shri R Ranganathan, has submitted that the drainage line which is proposed to be laid by the Cantonment Board through the property of petitioner may be diverted and laid alongside the eastern part of the property and can be connected to the existing drainage line at Malani Colony. Further,

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submitted that a representation in this regard will be submitted by the petitioner before the respondent Board in due course.

After hearing the petitioner through his learned counsel, the undersigned hereby passes the following interim order:

The petitioner's submission for diverting the proposed drainage line based on the representation submitted by him for alternative drainage line will be looked into after the feasibility report submitted by the technical staff of this office. Further, the petitioner is directed not to block the existing drainage line until the alternate drainage line is constructed and extend co-operation to the staff of this office during their inspection for submitting the feasibility report. The action would be initiated by the Board accordingly.




[B Ajith Reddy]
Chief Executive Officer
Secunderabad Cantonment Board

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[3215]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE DR. JUSTICE G.RADHA RANI
WRIT PETITION NO: 19579 OF 2022

Between:

Dr.M.S Raghavender, S/o Late M. Satyanarayana Reddy.

Petitioner

AND

1. The Union of India and another, Represented by its secretary, Ministry of Defence, New Delhi.
2. The Cantonment Board, Secunderabad, represented by its The Chief Executive Officer, Secunderabad

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or direction more in the nature of Writ of Mandamus a) declaring the action of the respondent no.2 in demolishing and damaging the portions of the northern side and eastern side boundary wall protecting the petitioners lands in Sy.Nos. 96/e, 97/a, 98/a, (part of 96, 97, 98) of Trimulgherry Village and Mandal, Secunderabad and digging channels to drain the sewage generated by the encroachers into the agricultural land and well of the petitioner as illegal, arbitrary and violative of Article 14, 19, 21, 300A of the Constitution of India as well as opposed to the provisions of the Environment Protection Act, and the Air and Water Pollution Act consequently direct the respondent no.2 to pay compensation of Rs.5,00,00,000/- within a time framework b)declaring the action of the respondent no.2 in passing the interim order dated 9.3.2022 restraining the petitioner from reconstruction of the compound wall or stopping the sewage from draining into the land and well of the petitioner being illegally let into it by the 2nd respondent as illegal and arbitrary and against the provisions of the Cantonments Act, 2006. c)declaring the proposal of the respondent no.2 to lay a public drain through the land of the petitioner as illegal, arbitrary and against the provisions of the Cantonments Act, 2006 and also opposed to the order of this hon'ble court in W.P.No.8942 of 2022 dated 2.3.2022 and to declare the interim order passed on 9.3.2022 in letter no.SCB/EB/632 of the 2nd respondent as illegal, arbitrary and opposed to the orders passed in W.P.No.8942 of 2022 and consequently set aside the same in the interest of justice d) To declare the action of the 2nd respondent in interfering with the construction of the compound wall which did not require any permission from 2nd respondent as illegal and opposed to the provisions of the Cantonments Act. e) And consequently restrain the 2nd respondent from diverting the sewage into the property of the petitioner and not to interfere with the construction of the compound wall by the petitioner to his property;

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to restrain the respondent no.2 and its agents and contractors or persons claiming under it from laying any pipeline through the land of the petitioner in the petitioner's lands in Sy.Nos. 96/e, 97/a, 98/a, (part of 96, 97, 98) of Trimulgherry Village and Mandal, Secunderabad, Pending disposal of WP 19579 of 2022, on the file of the High Court.

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The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI R RANGANATHAN Advocate for the Petitioner, SRI NAMAVARAPU RAJESHWAR RAO(ASSGI) for the Respondent no.1, SRI K.R. KOTESHWAR RAO, Advocate for the respondent no.2, and the Court made the following.

ORDER

Learned Assistant Solicitor General of India had taken notice for Respondent No.1.

Heard the learned counsel for the petitioner and the learned Standing Counsel for Respondent-Cantonment Board.

Learned counsel for the petitioner submitted that the respondents have passed an interim Order on 09.03.2022 as against the direction of the Division Bench in WP.NO. 8942 of 2022 to pass a final order and no relief was granted to him.

The learned Standing Counsel for the respondent-Cantonment Board submitted that the writ petition was premature as no final order was passed, the final orders would be passed within a short time; the technical report for providing appropriate drainage line was also available.

As such, it is considered fit to direct the respondents to dispose the matter finally within a week by 26-04-2022 as per the direction of the Division Bench in WP.No. 8942 of 2022.

**SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Secretary, Ministry of Defence, The Union of India, New Delhi. (by RPAD)
2. The Chief Executive Officer, The Cantonment Board, Secunderabad, Secunderabad. (by RPAD)
3. One CC to SRI. R RANGANATHAN Advocate [OPUC]
4. One spare copy

20

HIGH COURT

GRRJ

DATED:19/04/2022

TO DISPOSE THE MATTER FINALLY WITHIN A WEEK BY 26.04.2022.

ORDER

WP.No.19579 of 2022

DIRECTION

25 APR 2022



सिकंदराबाद छावनी परिषद

सरदार पटेल मार्ग, कोर्ट हौस परिसर, सिकंदराबाद 500003

दूरवानी संख्या ०४० २७८०८६०१ - ०४० / २७८०८६०० -

SECUNDERABAD CANTONMENT BOARD

SARDAR PATEL ROAD, COURT COMPOUND, SECUNDERABAD 500003

Tel No. 040-27808600 / 040 - 27808601

Email ID: ceo.scb2009@gmail.com



Lr.No.SCB/EB/Layout/Sy.No.96 to 99/T'Gherry/ 1065

Dt: 23.04.2022.

To

1. Dr. M.S. Raghavender,
S/o. late M. Satyanarayana Reddy,
R/o. Plot No.1, Chandragiri Colony,
Trimulgherry, Secunderabad - 500 015.
Mobile: 8501037390
2. Dr. M.S. Tejashwari,
D/o. late M. Satyanarayana Reddy,
R/o. H.No.3-16-668/A,
Beside Shahi Biryani Darbar Restaurant,
Trimulgherry Cross Roads,
Secunderabad - 500 015.
Mobile: 7702892451.

Sub: Proposal for laying of new drainage pipeline through open land in Sy.No.96 to 99 corresponding to GLR Sy.No.352/part, Trimulgherry, Secunderabad Cantonment - Final Orders in compliance of the Common Order passed by the Hon'ble Division Bench of High Court of Telangana in WP No.8942/2022 and WP No.17131/2022 dated 02.03.2022.

- Ref :
- i) This Office Letter No.SCB/EB/Layout/Sy.No.96 to 99/T'Gherry/ 425, dated 16.02.2022.
 - ii) Common Order passed by Hon'ble Division Bench of Telangana High Court in WP No.8942/2022 and WP No.17131/2022.
 - iii) Interim Speaking Order No.SCB/EB/632 dated 09.03.2022.
 - iv) Your Notice on demolition of Northern and Eastern Boundary Wall and illegal diversion of sewage into the land of Dr. M.S. Raghavender Reddy dated 30.03.2022.
 - v) Feasibility Report for proposed outfall sewer/storm water line at Chinna Kamela, Trimulgherry (Ward No.7) with Plan and a covering letter dated 01.04.2022 submitted to the CEO/SCB and received on 04.04.2022.
 - vi) This Office Letter No.SCB/RS/21-22/907 dated 04.04.2022 for appearance before CEO/SCB.
 - vii) WhatsApp Message of Addressee No.1 dated 08.04.2022 as a reply to letter dated 04.04.2022.
 - viii) W.P.No.19579/2022 filed by Addressee No.1 of you, questioning Interim Order dt.09.03.2022 passed by the

मुख्य अधिकारी, अधिकारी,
CHIEF EXECUTIVE OFFICER

Page 1 of 7

CEO/SCB and also seeking compensation of Rs.5.00 Cr. and also not to lay public drain through the land of the Petitioner i.e., Addressee No.1.

* * *

1. Vide reference (i) cited, the undersigned, in exercise of powers conferred u/Sec.213 and 224 of the Cantonments Act 2006, had issued a Notice for laying an underground storm/drain water pipeline passing through your immovable property in Sy.No.96 to 99, Trimulgherry, Secunderabad Cantonment, due to the exigencies mentioned in the said reference Notice. Thereafter, the Hon'ble Division Bench of the High Court of Telangana through a common order vide ref.(ii) cited has directed No.1 of you to appear before the undersigned on 07.03.2022 @ 10:30 AM and thereafter the Cantonment Board shall be free to cause appropriate final order in accordance with law and in case the orders are passed against you, there shall be no coercive action against you for a period of 2 weeks from the date of passing final order.

2. Pursuant to the directions of the Hon'ble High Court, No.1 of you have appeared before the undersigned on 07.03.2022 @ 10:30 AM along with your Advocate, Sri R. Ranganathan and submitted that, Notice issued through ref. (i) u/Sec.213 and 224 of the Cantonments Act 2006 for laying an underground storm/drain water pipeline. Section 213 refers to "any premises are in the opinion of Chief Executive Officer, without sufficient means of effectual drainage and a cantonment drain or some place approved by the Chief Executive Officer for the discharge of filth or other polluted and obnoxious matter is situated at a distance of not exceeding 30 metres from any part of the said premises, he may, by a written notice, require the owner of the said premises to make a drain emptying into such cantonment drain or place... .., but in this case, the drain is more than 30 metres distance." Your Counsel further submitted that, u/Sec.224 of the Cantonments Act 2006, the Chief Executive Officer may, by an order in writing, authorize the owner of the premises to place or carry such pipe or drain, under, along or across such immovable property. Whereas, the owner of the property in this case is Central Government, but the people residing adjacent to the land of the Petitioners are encroachers of the Defence land.

3. In response to such submission, the undersigned has clarified that, it is the primary duty of the Board to maintain health and hygiene of residents of the Cantonment Board, the Board has power of laying drainage line in a property in accordance with the Cantonments Act 2006. The undersigned further clarified that, since the occupants of the land are not in a position to lay the drain, the Cantonment Board can lay the drain to maintain health and hygiene of the people. Regarding construction of compound wall, without any

permission and the NOC relied upon by the Petitioner is only from land point of view issued by AQMG (lands), but permission for erection of boundary wall is to be obtained from the undersigned. Whereas, the Father of the Addressees No.1 & 2 had not obtained any permission for construction of such boundary wall.

4. On such clarification regarding proposal for laying of underground pipeline by the undersigned, Sri R. Ranganathan, your Advocate, has submitted that, the drainage line which is proposed to be laid by the Cantonment Board through the property of the Addressees No.1 & 2, can be diverted and laid alongside Eastern part of the property and can be connected to the existing drain line at Malani Colony and a Representation in these lines would be submitted in due course.

5. After hearing the submissions of your Advocate regarding alternate drain line as per the proposal, the undersigned has clarified that, such proposal would be looked into after the feasibility report submitted by the Technical Staff of the Office.

6. So as to look into the proposal for alternate drain line, pursuant to the Feasibility Report, an Interim Speaking Order ref. (iii) cited above was passed by the undersigned, wherein it was suggested that, the suggestion for alternate drainage line would be looked into after Feasibility Report is submitted and till such time the you are directed not to block the existing drain flow until an alternate drain line is constructed and even advised to extend cooperation for inspection, so as to submit the Feasibility Report. For the said purpose, M/s. P.S. Engineering Consultants has been appointed to study the alternate drain line proposal as suggested by your Advocate, and to submit a Feasibility Report.

7. While this being so, after service of Interim Speaking Order dated 09.03.2022, ref.(iii) cited and when the Technical Committee is in the process of submitting its Feasibility Report, without waiting for the further course of action to pass a Final Order as per the Orders of the Hon'ble High Court, the Addressee No.1 of you have issued a Notice dated 30.03.2022, the ref.(iv) cited, making bald allegations against the officials of the Secunderabad Cantonment Board, alleging that illegally trespassing into your property and you have further expressed your intension to take steps to prosecute the undersigned for draining sewage into your lands and demolition of compound wall and directed to reconstruct the same, otherwise, you would be constrained to reconstruct the compound wall and you further called upon the undersigned to clean the agricultural well of the sewage, etc. All these pleadings were

raised in your Writ Petitions in WP Nos. 8942/2022 and 17131/2022 and those allegations were denied by the undersigned by filing a detailed counter affidavit along with material documents. After going through the pleadings from both sides, the Division Bench of the Hon'ble High Court of Telangana passed a common order on 02.03.2022 directing you to appear before the Chief Executive Officer of the Secunderabad Cantonment Board, the undersigned herein, on 07.03.2022 and afterwards the undersigned is directed to pass a final order in accordance with law. Before passing a final order by the undersigned, again raised the same issues in your Notice dated 30.03.2022, vide ref.(iv) cited, before passing a final order by the undersigned, which amounts to disobedience of the orders passed by the Hon'ble High Court.

8. In the meanwhile, the said Consultants have visited the subject area and prepared a topographical map of the proposed drain line at Chinna Kamela, Trimulgherry, Lake Catchment Area, and also prepared a Feasibility Report, the ref.(iv) cited above, and submitted the same to the undersigned for further course of action vide their letter dated 01.04.2022, ref.(v) cited above, which was received on 04.04.2022.

9. Subsequent to receipt of Feasibility Report, the undersigned addressed a letter dated 04.04.2022 to both of you, the ref.(vi) cited above, and requested to appear before the undersigned for taking further necessary action on the matter.

10. In response to the said letter, a reply from the Addressee No.1 of you has been received through WhatsApp dated 08.04.2022, ref. (vii) cited above, wherein you expressed your difficulties to appear before the undersigned, as detailed in the message. However, in the said message, you have further stated that, you had already appeared before the undersigned as per the directions of the Hon'ble High Court on 07.03.2022 and requested to take note of the above mentioned circumstances. But, there is no specific request from your side stating that you would like to appear before the undersigned on some other date, for taking further action in the subject matter.

11. In the meanwhile, the undersigned has perused the Feasibility Report submitted by M/s. P.S. Engineering Consultants, wherein for outfall of sewer/storm water through underground pipeline connecting into the lake/open nala, as shown in the enclosed map with Mean Sea Level (MSL), three options were suggested. **Option 1** indicates that, the underground line should pass through rocky strata and will pass along or across the bund of lake which economically not viable. Moreover, this may disturb and reduce the strength of the bund. Further, there is a possibility of backflow (water)

resulting in inundation in downstream when lake reaches to Full Tank Level (FTL) especially during rainy season. **Option 2** suggests that, the storm/drain water line has to take sharp curve of nearly 120° as shown in the map so as to connect to the existing storm/sewage drain line which is practically not feasible for efficient discharge of water and may also result in accumulation of silt due to low flow velocity. Moreover, there is a possibility of backflow (water) resulting in inundation in downstream when lake reaches to Full Tank Level (FTL) especially during rainy season. In **Option 3**, the sewerage/ storm water can divert into the open nala at the downstream across the open land in GLR Sy.No.352/part (Sy.No.96 to 99) where three stretches Node N2 to N3, Node N3 to N1 and Node N1 to N5, as shown in the map which is about 234 mtrs., there is a steep gradient observed in the topographical survey (i.e., 550.318 to 544.7313) as shown in the map, due to which, the drain/storm water will dispose directly from N2 to N1 via N3, as shown in the map and disposed into the open nala at N5 from N1. Out of the above three options, the **Consultants recommended Option 3**, to lay underground drain line, as shown in the map, which is the best feasible and economical and efficient to discharge the storm/drain water from upstream to downstream.

12. Strangely, by showing scant respect to the common order passed by the Division Bench of the Hon'ble High Court of Telangana, before passing a final order, you have once again approached the Hon'ble High Court and filed a Writ Petition in WP No.19579/2022 praying the Hon'ble Court declaring the action of the 2nd Respondent i.e., the undersigned, in passing Interim Speaking Order dated 09.03.2022, as null and void and demolition of compound wall is also to be declared as illegal, arbitrary and also to declare the proposal of the undersigned to lay the public drain through your lands and also to declare the action of the undersigned in interfering with the construction of compound wall which you did not require any permission. The filing of the said Writ Petition, before passing a final order by the undersigned, amounts to a clear violation of the orders passed by the Division Bench of the Hon'ble High Court of Telangana, whereunder you have been given liberty to challenge the final orders, if passed against you, and without waiting for the final orders to be passed, the above said Writ Petition has been filed, praying erroneous reliefs, thereby the action initiated by you by filing such Writ Petition amounts to clear disobedience of the orders passed by the Division Bench of the Hon'ble High Court, for which you are liable for contempt of court proceedings.

13. However, after hearing the Writ Petition by the learned Single Judge of the Hon'ble High Court on 19.04.2022, upon considering the submissions from both sides, has directed the undersigned to pass final order as ordered by the Division Bench of the Hon'ble High Court in its common order, on or before.

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26.04.2022. In view of the same, without waiting for the further response from your side, the undersigned is hereby passing a speaking order, as ordered by the Division Bench of the Hon'ble High Court.

14. Regarding laying of underground storm/drain line, in ref.(i) cited above, the undersigned had clarified that, during lifetime of your Father, he submitted a layout for sanction on the subject property by showing the area as referred in Option 3 of the Feasibility Report, as an area for the proposed storm/drain water passage, and the said layout was unsanctioned for the non-compliance of the objections raised by the Office of the Secunderabad Cantonment Board vide letter dated 19.01.2018. Further, in the layout plan submitted by your Father, inlet of storm/drain water is shown from the upstream and the outlet is shown connecting to existing open nala in the downstream. It indicates that, the storm/drain water is passing through the property as per natural gradient, since time is immemorial and the same is shown as underground storm/drain line in the layout plan submitted. The contention in your legal notice that, by broke open the compound wall, the drain water is let into your property from neighbouring colony, is not correct and the said storm/drain water is passing through those lands since decades on account of natural gradient and joining the open nala in the downstream.

15. By constructing a compound wall around your property, without any sanction from the Secunderabad Cantonment Board, the inflow of storm/drain water into the open nala from upstream, as per natural gradient, has been obstructed and as a result, a cesspool has been formed creating health hazards to the people living in the vicinity which creates unhealthy environment, which needs to be rectified for which the Notice at ref.(1) was issued.

16. To redress this issue and to avoid creation of cesspool, which is posing health hazards in the vicinity, the Secunderabad Cantonment Board has proposed to lay a new underground storm/drain line through your property, for the reasons assigned in the ref. (i) cited letter and the said suggestion has been ratified by the Technical Committee in their Feasibility Report vide Option 3, as detailed above. In this regard, the undersigned has made it clear that, the underground drain line will not cause any damage to your property and the same will be helpful to you in the long run when your property is taken up for development upon obtaining a valid layout from the Secunderabad Cantonment Board. Further, this proposal has been initiated to prevent health hazards and to remove cesspool in the locality, it has been decided to lay an underground storm/drain water pipeline through your property by taking utmost care to prevent any damage to your property. The undersigned is

मुख्य अधिकारी, सैनिकी
CHIEF ENGINEER, OFFICER,
सैनिकी बोर्ड
SECUNDERABAD CANTONMENT BOARD

empowered to lay an underground drain line, as per Option 3 of the Technical Report by exercising powers conferred u/Sec.213 and 224 of Cantonments Act 2006.

17. For the reasons recorded hereinabove, *vis-a-vis* the technical report, the suggestion made by your Advocate, on your behalf, for an alternate drainage line other than the Option 3, is hereby rejected, as the said suggestion is not feasible which is against the natural gradient. Hence, by virtue of the powers conferred u/Sec.213 and 224 of the Cantonments Act 2006, I hereby pass an order for laying an underground storm/drain water pipeline through your immovable property bearing Sy.No.96 to 99, corresponding to GLR Sy.No.352/part, Trimulgherry, Secunderabad Cantonment, to facilitate free-flow of storm/drain water from upstream area to downstream connecting to open nala, as per the Plan annexed to the Feasibility Report, without causing any damage to your property. Therefore, you are hereby requested to cooperate for the same. I further hereby clarify that this process of laying underground drain line work will be commenced after expiry of two weeks from the date of this order and during that period, the Secunderabad Cantonment Board will not take any coercive action against you, by adhering to the common order passed by the Division Bench of the Hon'ble High Court of Telangana in WP Nos.8942/2022 and 17131/2022 dated 02.03.2022. By passing this Final Order, the orders of the Hon'ble High Court are complied herewith.

Encl.: Copy of Feasibility Report along with sketch.



B. Ajith Reddy
Chief Executive Officer
Secunderabad Cantonment Board

Copy to:

Sri R. Ranganathan,
Advocate,

24, Ravi Cooperative Housing Society Ltd.,
Trimulgherry, Secunderabad - 500 015.

Mobile: 9393726203

Email: rranga.64@gmail.com

- by hand through Guruswamy of SCB
- Received the Lr.No/SCB/EB/Layout/Sy.No 96-99/
Trimulgherry/1065 dated 23.04.2022 on 25/04/22
at 1.13 pm. M.S. Raghavendra
 - Received by hand through Guruswamy of SCB
Trimulgherry LR.No SCB/EB/Layout/Sy.No.96 to 99/
Trimulgherry/1065 dated 23/04/2022 on 25/04/2022
at 1:15 PM. *[Signature]*

[3215]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE DR. JUSTICE G.RADHA RANI
WRIT PETITION NO: 22126 OF 2022

Between:

1. Dr.M.S.Tejaswari, D/o Late M.Satyanarayana Reddy.
2. Dr.M.S.Raghavendar, S/o Late M.Satyanarayana Reddy.

Petitioners

AND

1. The Union of India, Represented by its secretary, Ministry of Defence, New Delhi.
2. The Cantonment Board, Secunderabad, represented by its The Chief Executive Officer, Secunderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or direction more in the nature of Writ of Mandamus a) declaring the final order of the respondent no.2 passed in file number Lr.No.SCB/EB/layout/Sy.No.96 to 99/Trimulgherry/1065 dated 23/4/2022 is illegal, arbitrary and violative of Article 14, 19, 21, 300A of the Constitution of India as well as opposed to the provisions of the Environment Protection Act, and the Air and Water Pollution Act, 1974 and consequently set aside the same as illegal in the interest of justice b) consequently declare the proposal of the respondent no.2 to lay a public drain through the land of the petitioner as illegal, arbitrary and against the provisions of the Cantonments Act, 2006 and consequently set aside the same in the interest of justice.

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order of the respondent no.2 passed in file number Lr.No.SCB/EB/layout/Sy.No.96 to 99/Trimulgherry/1065 dated 23/4/2022, Pending disposal of WP 22126 of 2022, on the file of the High Court.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to restrain the respondent no.2 and its agents and contractors or persons claiming under it from laying any pipeline through the land of the petitioner in Sy.Nos. 96/e, 97/a, 98/a, (parts of 96, 97, 98) of Trimulgherry Village and Mandal, Secunderabad, Pending disposal of WP 22126 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI R RANGANATHAN Advocate for the Petitioners, SRI NAMAVARAPU RAJESHWAR RAO (ASSGI) for the Respondent no.1, SRI K.R. KOTESWARA RAO, Senior Standing Counsel for the respondent no.2, and the Court made the following.

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ORDER

Sri.Namavarapu Raheshwar Rao, Assistant Solicitor General of India, takes notice for respondent No.1.

Sri.K.R.Koteswara Rao, Senior Standing counsel, takes notice for respondent No.2.

Heard learned counsel for the petitioner and learned counsel for the respondents.

Both the parties are directed to maintain Status-quo.

Post this matter on 06.06.2022.

**SD/- L. SHIVA PARVATHI
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Secretary, Ministry of Defence, The Union of India, New Delhi. (by RPAD)
2. The Chief Executive Officer, The Cantonment Board, Secunderabad, Secunderabad. (by RPAD)
3. One CC to SRI. R RANGANATHAN Advocate [OPUC]
4. One spare copy

30

HIGH COURT

GRRJ

DATED:29/04/2022

POST THIS MATTER ON 06.06.2022.

ORDER

WP.No.22126 of 2022

STATUS QUO





(31)

Annexure-III

TELANGANA STATE POLLUTION CONTROL BOARD
ZONAL OFFICE: HYDERABAD

H.No.6-3-1219, TS No.1 Part, Block - C, Ward No.91, Near Country Club
Uma Nagar, Begumpet, Hyderabad. Phone: 040-23402495
Email: jcee-zhyd-tspcb@telangana.gov.in



BY REGD. POST WITH ACK. DUE

Order No. 15-RR-II/TSPCB/ZO-HYD/TF/2023-161

Date:24.05.2023

Sub: TSPCB – ZO - Hyderabad – The Hon'ble NGT, Chennai, Original Application No:97 of 2022 filed Dr. M.S. Tejashwari, D/o. Late Sri M. Sathyanarayana Reddy, R/o. H.No. 3-16-668/A, Trimulgherry 'X' Roads, Medchal-Malkajgiri District – Discharge of sewage into petitioners land – Water (Prevention and Control of Pollution) Amendment Act, 1988 - **DIRECTIONS – ISSUED** - Reg.

Ref:

1. The Hon'ble NGT, Chennai, Original Application No:97 of 2022 filed Dr. M.S. Tejashwari, Medchal-Malkajgiri District.
2. Hearing before the Hon'ble NGT on 01.09.2022 & 25.11.2022.
3. TSPCB Officials inspected the Petitioner's Land and surroundings on 03.11.2022.
4. Notice issued to the Cantonment Board, Secunderabad dated:08.12.2022.
5. Report of the Board filed before The Hon'ble NGT on 19.12.2022.
6. Hearing before the Hon'ble NGT on 21.12.2022.
7. Letter received from the CEE, Sec'Contonment Board Lr.No.SCB/EB/NGT/3474 dated:27.12.2022.
8. TSPCB, Regional Office, Medchal report dt.17.02.2023.
9. Task Force Committee meeting held on 26.04.2023 at TSPCB, Zonal Office, Hyderabad.

* * *

- File in Tejashwari file*
1. **WHEREAS**, vide reference 1st cited, Dr. M.S. Tejashwari, D/o. Late Sri M. Sathyanarayana Reddy, R/o. H.No. 3-16-668/A, Trimulgherry 'X' Roads, Secunderabad has filed an O.A.No.97 of 2022 in the Hon'ble NGT, Chennai regarding damage of Boundary wall, laying of the drainage pipeline from the dwellings located in the Northern side of the petitioner's land and sewage entering into petitioner's land and open well thereby causing water pollution.
 2. **WHEREAS**, the petitioner's has stated that they have constructed boundary wall around their land decades back and it was allegedly demolished by Cantonment Board at North-East side of the petitioner's land and allowed the sewage to enter into their land and diverted into open well and the water got polluted. Also allegation were made regarding trespassing of people into the petitioner's land.
 3. **WHEREAS**, vide reference 2nd cited, the petitioner has prayed to the Hon'ble NGT to appoint an independent committee to inspect the land of applicant as well as the Defense Land surrounding the applicant's property for the purpose of assessing damage caused to the environment as well as to the applicant's property, direct appropriate action against the Respondents, to direct removal of illegally laid drainage pipeline till the northern side boundary wall of the petitioner's land and direct to stop the flow of sewage onto the land and restore the open well etc.
 4. **WHEREAS**, vide reference 3rd cited, the TSPCB Officials inspected the Petitioner's Land and surroundings on 03.11.2022. During the inspection, the petitioner was present. The details are submitted as follows:

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- i. The Petitioner's Land (about 3 Acres - 11 guntas) is located in Sy.No. 96/e,97/a/98/a, Trimulgherry Village and Mandal, Medchal-Malkajgiri District and is provided by boundary walls on all the four sides.
- ii. The land is surrounded by East: Trimulgherry Tank Bund, West: Residential Houses, South: Residential Houses / Approach Road, North: Residential houses.
- iii. In the Petitioner's Land, a small shed with rooms and a cattle shed are constructed along the East side boundary. 3-4 cattle are reared in the cattle shed. Remaining area is covered with grown grass.
- iv. An open well is located at the North-East corner of the petitioner's land.
- v. It was observed that several small houses are located in the area towards Northern side of the petitioners' land. Sewage from these houses is entering into the petitioner's land from North Side. The sewage is also joining the open well located in the petitioner's land.
- vi. The Board officials collected the water sample of the open well and the Analysis results are as follows:

Parameters	Unit	Method No.	Results	Drinking water standards as per IS 10500: 2012
pH	-	4500-B	6.7	6.5-8.5
Electrical conductivity	$\mu\text{S/cm}$	2510-B	1025	-
Total Suspended Solids	mg/L	2540-D	33	-
Total Dissolved Solids	mg/L	2540 C	721	500* (2000**)
Chlorides as Cl ⁻	mg/L	4500-Cl-B	128	250* (1000**)
Sulphates as SO ₄ ⁻²	mg/L	4500-SO4-2 B	11	200* (400**)
Total Alkalinity as CaCO ₃	mg/L	2320 B	380	200* (600**)
Total Hardness as CaCO ₃ s	mg/L	2340 C	280	200* (600**)
Calcium as Ca ⁺²	mg/L	3500-Ca B	80	75* (200**)
Magnesium as Mg ⁺²	mg/L	3500-Mg B	19	30* (100**)
Phosphates	mg/L	4500-P,D	8.0	-
Sodium as Na	mg/L	3500-Na B	90	-
Potassium as K	mg/L	3500-K B	21	-
%Sodium	%	-	39	-
SAR	-	-	2.3	-
Boron	mg/L	4500-B B	<0.1	-
Chemical Oxygen Demand	mg/L	5220 B	170	-
BOD 3 at 27 ^o C	mg/L	IS 3025, 1993	43	≤ 2
Total coliform	MPN/100ml	9221 - B, C	540	≤ 50
Fecal coliform	MPN/100ml	9221 - B, C	33	-
Heavy Metals				
Copper	mg/L	3111 B	ND	0.05*(1.5**)
Nickel	mg/L	3111 B	ND	0.02
Zinc	mg/L	3111 B	ND	5*(15**)
Cadmium	mg/L	3111 B	ND	0.003

Lead	mg/L	3111 B	ND	0.01
Total Chromium	mg/L	3111 D	ND	0.05

5. **WHEREAS**, as seen from the analysis results, the high values of Total Coliform- 540 MPN/100 ml indicates that untreated sewage was entering into the open well situated in the Petitioner's Land. Analysis report is enclosed as **Annexure-I**.
6. **WHEREAS**, vide reference 4th cited, TSPCB has issued a notice dated 08.12.2022 to the Chief Executive Officer, Secunderabad Cantonment Board directing to take immediate measures for prevention of untreated sewage discharges and provide necessary treatment system for the sewage generated from the house holds in the locality.
7. **WHEREAS**, the Secunderabad Cantonment Board has to take measures for treatment of the sewage generated. Regarding the encroachments and trespassing into the petitioner's land, TSPCB is not competent Authority.
8. **WHEREAS**, vide reference 5th cited, It is to submit that the Board has submitted status report dated:19.12.2022 before the Hon,ble NGT.
9. **WHEREAS**, vide reference 7th cited Subsequently, CEO Sec'Contonment Board vide Lr.No.SCB/EB/NGT/3474 dated:27.12.2022 submitted reply to the notice issued by TSPCB dated:08.12.2022 stating the following:
 - i. There is a small village/hamlet Known as Chinna Kamela where in around 250 residential Houses are in existence from the past 50 years, this colony is situated on the upstream side of the Petitioners land.
 - ii. The drainage from the residendtial are is flowing through natural gradient and ends in the cesspool/Agricultural kunta located in the subject land which belongs to the petitioner and from their land, there is no proper outlet for discharge of these effluents.
 - iii. It was further stated that they have has made attempts to convince Dr.M.S.Tejaswari and her brother to construct a proper underground pipeline through their open land to discharge the effluents, as shown in the layout of their father but they have not agreed to the request and obstructed the passage of the storm/drain water to the request and obstructed the passage of storm/drain water into their property by depositing construction waste, building material and debris resulted in stagnation of the sewage and storm water in the upstream area of Chinna Kamela between the dwelling houses and the petitioners land and causing highly contagious diseases and creating severe unhygienic conditions.

Further legal status: The Cantonment Board and Petitioner also filed the following cases:

- i. Being aggrieved by notice dated:16.02.2022 of the cantonment Board, filed Writ Petition No:8942/2022 before the learned Single Judge of the Hon'ble High Court of Telangana and obtained Interim Order restraining containment Board from interfering with their Possession and also directed not to lay any drainage pipeline through their property. The cantonment Board file vacate stay petition along with the counter to vacate the Interim Order granted.
- ii. Pending writ petition, the division bench of the Hon,ble High court has directed to post all the connected Writ petitions of the petitioner before the Divisional bench. After hearing both the parties a common Order dated: 02.03.2022 was passed in WP No:8942 of 2022 and 17313 of 2021(filed for direction to the Cantonment Board to prevent laying of a drainage pipes through their property directing the applicant and her Brother, M.S.Raghavender to appear before the CEO of the Sec'Cantonment

Board and participate in the enquiry pursuant to the Notice issued to them on 16.02.2022 and the CEO was directed to pass appropriate final orders.

- iii. The applicant and her Brother, M.S.Raghavender along with their Advocate have appeared before CEO,SCB on 07.03.2022.
- iv. Interim Order dated:09.03.2022 was passed not to block the existing drain line until alternate arrangements are made as per the feasibility report.
- v. Dr.Ms. Raghavendra filed Writ petition WP.No.19579/2022 before single Judge of the Hon'ble High Court of Telangana.
- vi. CEO, SCB passes final speaking order dated:23.04.2022.
- vii. The applicant and her Brother, M.S.Raghavender have filed one more Writ petition in WP No:22126/2022 before the single Judge of the Hon'ble High Court of Telangana
- viii. SCN has filed Counter affidavit and vacate stay in both Writ petitions i.e., WP.No.19579/2022 and WP No:22126/2022.
- ix. Subsequently, the applicant has filed O.A.No:97 of 2022 before the Hon,ble NGT, Chennai and SC is directed to file its reply and the court is adjourned to 24.01.2023.

10. **WHEREAS**, the CEO, SCB also submitted that, SCB is contemplating appropriate action to discharge sewage/Storm water through underground drain line as per option 3 of the feasibility report submitted by M/s. P.S. Engineering Consultant after carrying out field survey. However, the said work could not be taken keeping in view of the subsisting Status Quo Order dated:29.04.2022 passed by the Hon'ble High Court in W.P. No:22126 of 2022.

11. **WHEREAS**, vide reference 9th cited, the issue was placed in the Task Force committee meeting held on 29.12.2022 at Zonal Office, Hyderabad. The representative of the Secunderabad Cantonment Board and complainant were attended the meeting. The committee noted that the sewage generated from the colonies in and around the area joining the natural stream and getting stagnated in the petitioners land premises. Secunderabad Cantonment Board has taken up study, however they have not proposed any STP to treat the sewage and only planning to divert the sewage. The Petitioner informed that the total sewage is getting stagnated in their open land and the SCB is planning to divert the sewage through under ground pipelines conveyed through their private land which is against the rules. After detailed discussion recommended to **issue directions** to the SCB under Section 33(A) of the Water (Prevention and Control of Pollution) Amendment Act, 1988 to comply with:

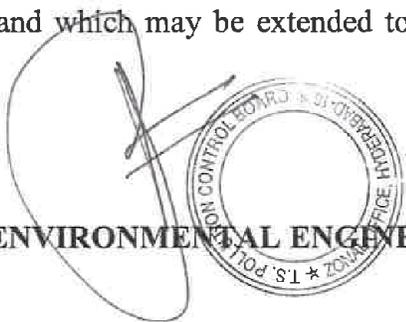
As per the recommendations of the committee, the Board hereby issues the following directions to the Secunderabad Cantonment Board to comply with:

- i. The Secunderabad Cantonment Board shall provide proper I&D structure/ drainage system to collect and divert the sewage joining into the natural storm water drains.
- ii. The Secunderabad Cantonment Board shall provide STP of suitable capacity to treat the sewage generated from the colonies in the area. Proper study shall be carried out to assess the quantity of sewage generated keeping in the future requirements on quantity of sewage to be generated.
- iii. The I&D channels shall be connected to the proposed STP and the treated waste water shall be reused for gardening purpose in the area.
- iv. Secunderabad Cantonment Board shall furnish a detailed Action Plan with timelines to treat the Sewage generated in the area within 15 days.

(35)

12. In view of the above, the Secunderabad Cantonment Board is hereby directed to **comply with the above directions with**. These directions are issued under Section 33(A) of Water (Prevention and Control of Pollution) Amendment Act, 1988.

13. It is also to note that, if it is continued to violate any of the directions above, the unit will be closed under Section 33(A) of Water (Prevention and Control of Pollution) Amendment Act, 1988 and you will also be liable for prosecution in the court of Metropolitan Magistrate or Judicial Magistrate of the first class under Section 41(2) of Water (Prevention and Control of Pollution) Amendment Act, 1988, the punishment for which includes imprisonment for a term which shall not be less than one year six months and which may be extended to six years with fine.


JOINT CHIEF ENVIRONMENTAL ENGINEER

To
**The Chief Executive Officer,
Secunderabad Cantonment Board,
Court Compound Secunderabad Cantonment Board,
Sardar Patel Road, Secunderabad,
Telangana State – 500 003
Email: ceo.scb2009@gmail.com**

1. Copy to the Environmental Engineer, TSPCB, Regional Office, Medchal for information. **He is directed to verify the compliance on the directions and forward detailed report to this office for further necessary action.**
2. Copy to Dr. M.S. Tejashwari, D/o. Late Sri M. Sathyanarayana Reddy, R/o. H.No. 3-16-668/A, Trimulgherry 'X' Roads, Secunderabad.

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Annexure-IV



सिकंदराबाद छावनी परिषद

सरदार पटेल मार्ग, कोर्ट हौस परिसर, सिकंदराबाद 500003

दूरवानी संख्या ०४० - २७८०८६०० / ०४० - २७८०८६०१

SECUNDERABAD CANTONMENT BOARD

SARDAR PATEL ROAD, COURT COMPOUND, SECUNDERABAD 500003

Tel No. 040-27808600 / 040 - 27808601

Email ID: ceo.scb2009@gmail.com

Lr.No.SCB/EB/Chinna Kamela/GLR Sy. No. 360/1185

Date: 14th June, 2023.

To

The Joint Chief Environmental Engineer,
Telangana State Pollution Control Board,
Zonal Office: Hyderabad,
H.No.6-3-1219, TS No.1 Part, Block-C, Ward No.91,
Near Country Club, Uma Nagar, Begumpet, Hyderabad.



Sub: TSPCB - ZO - Hyderabad - The Hon'ble NGT, Chennai, Original Application No: 97 of 2022 filed Dr. M.S. Tejashwari, D/o. Late Sri M. Sathyanarayana Reddy, R/o. H. No.3-16-668/A, Trimulgherry 'X' Roads, Medchal - Malkajgiri District - Discharge of sewage into petitioner's land - Water (Prevention and Control of Pollution) Amendment Act, 1988 - DIRECTIONS - ISSUED - Reg.

Sir/Madam,

Reference TSPCB Order No.15-RR-II/TSPCB/ZO-HYD/TF/2023-161, dated 24.05.2023 received in this office on 29.05.2023.

2. It is informed that directions were issued by the Telangana State Pollution Control Board to the Secunderabad Cantonment Board to comply with in respect of sewage being accumulated at land belonging to Dr. M.S. Tejaswari and others along with the submission of a detailed action plan with timelines to treat sewage generated in the area within 15 days.

3. In response to the above, the following few lines are submitted for your information and further necessary action:

(i) The drainage from above said residential area is flowing through natural gradient which ends at cess pool which is more particularly described as Muriki Bhavi (Dirty water well) from the decades and the

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same indicated in the final decree proceedings that late Sathyanarayana was allotted an agricultural land known as Muriki Bhavi to the extent of Ac. 03-11 gts. in Sy.No.96 to 99 which clearly establishes that the subject well is in receipt of sewage line from the upstreams of the suit schedule property.

(ii) Further, you are aware that Dr. Tejashwari has also filed an original application bearing No.97 of 2022 before the National Green Tribunal, Southern Zone at Chennai, seeking appropriate directions against Cantonment Board for allowing the sewage generated in the vicinity. A detailed Counter was filed on 16.02.2023 before the Hon'ble National Green Tribunal and the said application is pending for finalization.

(iii) It is further pertinent to mention that prior to the above, Dr. Tejashwari and her brother filed one more Writ Petition in W.P.No.22126/2022 before Learned Single Judge of the Hon'ble High Court of Telangana. Pending WP, the Hon'ble High Court passed an interim order dated 29.04.2022 directing both parties to maintain status quo. In view of the above orders, this office could not execute the work of laying under ground drain through the agriculture land which is part of a proposed layout submitted by late father of the petitioners, as the said option was the most feasible/economical and efficient alignment to discharge sewage which was suggested by the consultant engaged by the Cantonment Board after due site inspection and considering the natural topography and gradient.

(iv) Further, it is informed that after receipt of your office order cited under reference, the matter was again placed before the Board and the Board in its Ordinary meeting held on 01.06.2023 has resolved to explore the feasibility of installation of Sewage Treatment Plant (STP) at the site to prepare Detailed Project Report (DPR) and to install STP if feasible through HMWS&SB who has expertise in the relevant field for setting up Sewage Treatment Plant (STP) by keeping in view of the future requirement as well as recycling of sewage for other utilities. A copy of the letter No. SCB/EB/Chinna Kamela/GLR Sy. No. 360/1184, dated 13th June, 2023, addressed to the Managing Director, HMWS&SB is enclosed.

(v) It is further informed that this office is taking up a project of rejuvenation of Trimulgherry Lake by laying a ring sewer line through HMWS&SB in 15th Finance Commission Funds. A request has already been placed to HMWS&SB to this effect and the same is under preparation. Keeping in view of the urgency of the matter, the issue is being again taken up with HMWS&SB for inclusion of the subject

proposal in the said project by carrying out site inspection by the experts for preparing DPR and feasibility report after considering all the relevant aspects of environmental conservation.

4. Further, the HMWS&SB has been requested to furnish the timelines and action plan in compliance with the directions of TSPCB vide proceedings dated 24.05.2023 and the detailed action plan along with its timelines shall be intimated in due course.

5. In view of the above mentioned facts and also the matter being sub-judice, you are requested to not to initiate any prosecution proceedings against Secunderabad Cantonment Board as mentioned in your reference letter.

Yours Sincerely,



(Madhukar Naik D)
Chief Executive Officer,
Secunderabad Cantonment Board.

Copy to:

✓ The Environmental Engineer,
Telangana State Pollution Control Board,
Regional Office: Medchal,
H.No.6-3-1219, TS No.1 Part, Block-C,
Ward No.91, Near Country Club, Uma Nagar,
Begumpet, Hyderabad.

- for information.

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सिकंदराबाद छावनी परिषद

सरदार पटेल मार्ग, कोर्ट हौस परिसर, सिकंदराबाद 500003

दूरवानी संख्या ०४० - २७८०८६०० ०४० - २७८०८६०१ /

SECUNDERABAD CANTONMENT BOARD

SARDAR PATEL ROAD, COURT COMPOUND, SECUNDERABAD 500003

Tel No. 040-27808600 / 040 - 27808601 Email ID: ceo.scb2009@gmail.com

Lr. No. SCB/EB/Chinna Kamela/GLR Sy. No. 360/1184

Date: 13th June, 2023.

To

The Managing Director,
HMWS&SB, 1st Floor,
Administrative Building,
Khairtabad,
Hyderabad - 500004.

Sub:- Diversion of sewage entering into the Trimulgherry Lake - Manufacturing, supplying, lowering, laying, jointing, testing and commissioning 600mm dia pipe RCC NP4 class trunk sewer main and conducting preliminary survey for comprehensive project for rejuvenation and beautification of lake - Reg.

Ref:- 1) This office Lr.No. SCB/GEN/Vol-II/1144, Dated. 05.05.2018

2) TSPCB Order No.15-RR-II/TSPCB/ZO-HYD/TF/2023-161, dated 24.05.2023.

Sir,

In this connection, you are aware that the subject work of laying ring sewer for diversion of sewage entering into the Trimulgherry lake along with the preparation of detailed project report for Trimulgherry Lake is being taken up jointly by HMWS&SB and Secunderabad Cantonment Board as a deposit work through the 15th Finance Commission funds.

2. In addition to the above there is an urgent requirement for compliance of the orders of the Telangana State Pollution Control Board in respect of untreated sewage being accumulated at the agricultural land belongs to Dr M S Tejaswari & Others in Sy. No. 96 to 99, GLR Sy. No. 352, Trimulgherry Village, Secunderabad Cantonment, which is closely located to the Trimulgherry Lake. (A copy of location plan is enclosed). Therefore, it is requested to include the subject work on priority basis so as to comply the directions of the TSPCB vide proceedings cited under reference no. 2 (copy enclosed).

3. You are, therefore, requested to incorporate the subject work in the DPR and also explore the feasibility of installation of sewage treatment plant by carrying out a detailed site inspection, so as to comply with the requirements as per the prevailing site conditions. You are, further requested to intimate a detailed action plan with appropriate timelines, so as to enable this office for onward submission to TSPCB.

4. The matter may be taken up on top priority. You co-operation in this regard is highly solicited.



Yours Sincerely,

[Madhukar Naik D]
Chief Executive Officer,
Secunderabad Cantonment Board.

Copy to: -

The Director (Projects - I),
HMWS&SB, 5th Floor, Admin Building,
Khairtabad, Hyderabad - 500004.

for information and further necessary
action.

