

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE CHENNAI
MEMORANDUM OF APPLICATION
[Under Section 18(1) read with Sections 14, 15, 16 & 17 of the National Green
Tribunal
Act, 2010]**

OA NO 39 OF 2020

Between:

Dr Lubna Sarwath
State General Secretary, Socialist Party(India),
H#12-2-389/A/72/A, Mahaveer Nagar
Karwan Sahu, Hyderabad 500006, Telangana
9963002403
sarwath.lubna@gmail.com

.....Applicant

AND

1-State of Telangana
Rep by its Chief Secretary
Vice-Chiarperson State WALTA Authority
Secretariat, B-Block, BRKR Bhavan,
9th Floor Telangana HYDERABAD 500004
cs@telangana.gov.in
040-23452620, 23455340, EXT-2562

.....Respondent and 8 others

ADDITIONAL AFFIDAVIT FILED BY PETITIONER

FILED ON 5 JULY 2021



BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE CHENNAI
MEMORANDUM OF APPLICATION
[Under Section 18(1) read with Sections 14, 15, 16 & 17 of the National Green
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 Rep by its Chief Secretary
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A. OBSERVATIONS ON LOCATION OF MAMASANI KUNTA, PUPPULGUDA v, GANDIPET M, RR DIST, FROM GO MS 375 DT 15 SEP 2004 AND NOTINGS FILE No. 000041477/ MAU/1/2004(2028) :

1- As per GO Ms 375 dated 15 sep 2004 with subject line 'Hyderabad Urban Development Authority, Hyderabad - Change of Land Use in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Manda!, Ranga Reddy District to an extent of Acres 13-18 Guntas from partly Recreational and partly Conservation use zone to Residential use zone and deletion of proposed 30 Meters wide road - Draft Variation - Confirmed - Orders- Issued.', the schedule of boundaries for Residential use zone is as under:

'Schedule of boundaries:

North : Survey Nos.314 and 315 of Poppalguda Village Hillock area.

South : Survey No.285 of Poppalguda Village, Waterbody area.

East: : Survey Nos.283 to 284 of Poppalguda Village vacant land.

West: Survey No.287 of Poppalguda Village vacant land and Survey No.288 of Poppalguda Village, water bodies area.'

From above, it is observed that, survey no. 288 has partly water body to its eastern side adjacent to survey no. 286 water body.

2- As per document titled 'All notings on File No. 000041477/ MAU/1/2004(2028)' pertaining to GO Ms 375 dated 15 sep 2004', the tank within survey no. 286 to the west of 'residential use zone' that is 100 feet away from the boundary of the layout in sy no. 286, is mentioned multiple times:

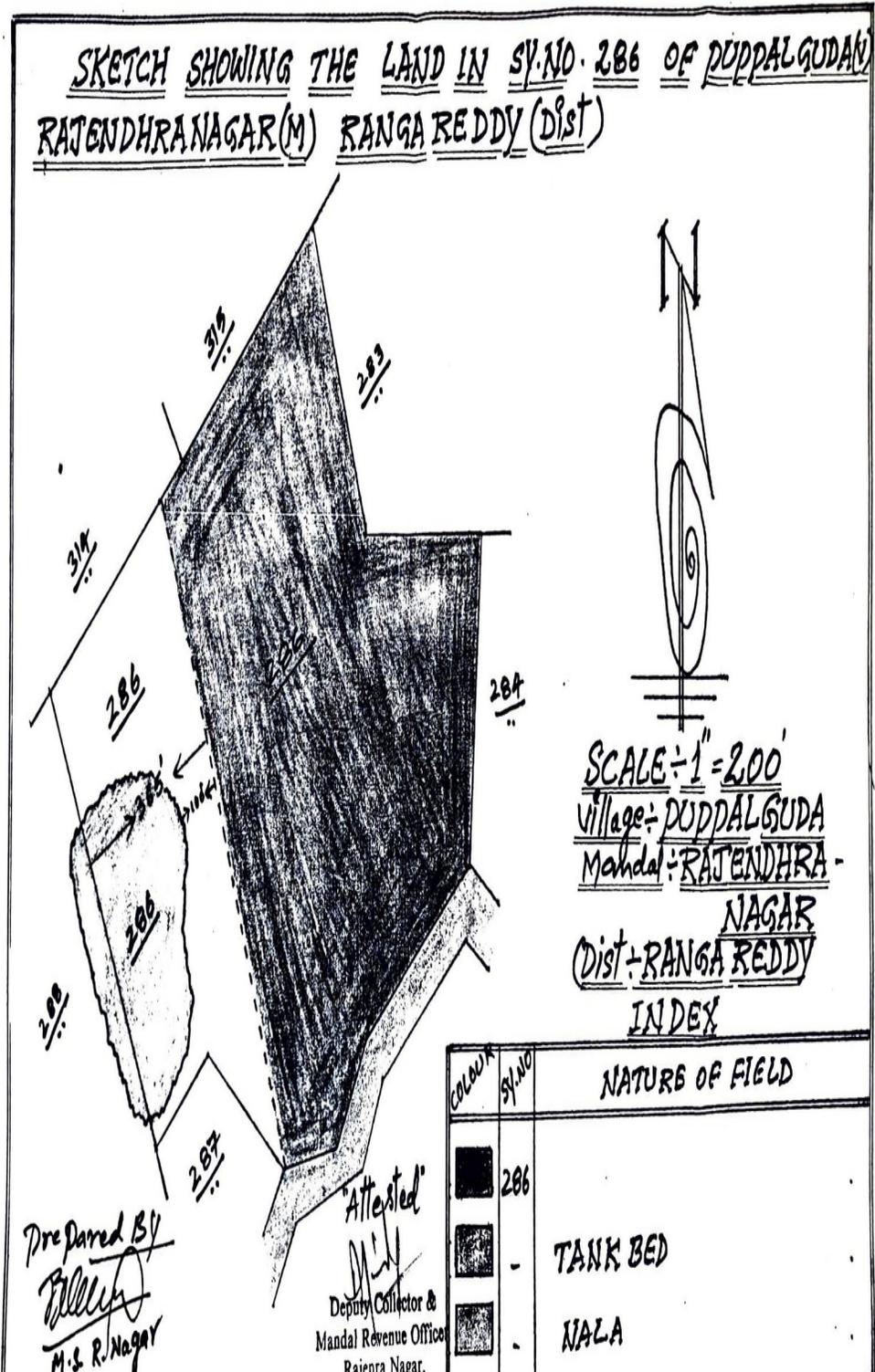
a) At page 1 of the Notings file, at noting No. 2, it states as follows: 'The VC HUDA has recommended the change of land use subject to leaving 30.00 mtrs wide buffer zone along the boundary of the water body and nala, and surrounded by residential plotted developments and vacant lands.'

b) Further, at page 1 of the Notings, at noting no. 9, it states as follows: 'HUDA has submitted proposal for change of land use in Sy.No.;286(P), Poppalaguda(V) Rajendranagar(M) from partly recreational use and partly conservation use zone to; Residential use zone to an extent of 13.18gts.and recommended the proposal subject to; condition that leaving 30 mts. wide buffer zone along the boundary of the waterbody and nala and surrounded by Residential plotted developments and vacant lands.'

c) At page 2 of the Notings file, item no. 23, tank to the left of layout in survey no. 286 is once again mentioned as follows: 'The applicant once again represented while enclosing a plan showing the boundaries of Sy No 286 (P) which is to an extent of Ac 13-18 gts duly attested by the Deputy Collector & MRO, Rajendranagar, RR District. Basing on the boundary plan the site has been inspected, it is observed on the ground that the existing tank on western side is 100 feet (30 Mt) away from the boundary. Hence the Green Belt of 30 Mtrs around the Tank is not affected in the site under reference. '

- d) At Page no. 3 of Notings File, at noting no. 28 it is stated that 'The VC, HUDA has submitted proposal for change of land use in Sy.No ; . 286(P), Poppalaguda(V) Rajendranagar(M) from partly recreational use and partly conservation use zone to Residential use zone to an extent of ac13.18gts. and recommended the proposal subject to condition that leaving 30 mts. wide buffer zone along the boundary of the waterbody and nala surrounded by Residential plotted developments and vacant lands.'
- e) At Page no. 3 of notings file, at noting no. 31, it is stated that, 'The applicant once again represented while enclosing a plan showing the boundaries of Sy No 286 (P) which is to an extent of Ac 13-1 8 gts duly attested by the Deputy Collector & MRO, Rajendranagar, RR District . Basing on the boundary plan the site has been inspected, it is observed on the ground that the existing tank on western side is 100 feet (30 Mt) away from the boundary . Hence the Green Belt of 30 Mtrs around the Tank is not affected in the site under reference.'
- f) At page no. 5 of Noting no. 49, it is stated as follows 'Discussed with OSD. Please see the observations of Commissioner Industries. In this regard it is submitted that as per the remarks furnished by V.C.HUDA the site proposed for change of land use is 100 feet away from the tank which is located on the western side of the above site.'
- g) Further, Shri S Balakrishna is cited at page no. 2, Noting no. 12, page no. 2 Noting no. 20, Page no. 4 noting no. 35 in the capacity of Joint Director. He is the Director Planning HMDA and is member of Joint Committee in the current case.
- h) At page no. 2 Noting no. 23 and page no. 3 noting no. 31 a sketch has been referred to as follows: 'Plan showing the boundaries of sy no. 286(p) which is to an extent of acs13.18gts duly atested by the Deputy collector and MRO Rajendranagar, RR District'. Below is map demarcating the location of water bodies in survey no. 286. Further it also corroborates the submission of respondents the location of water body in sy no. 288.



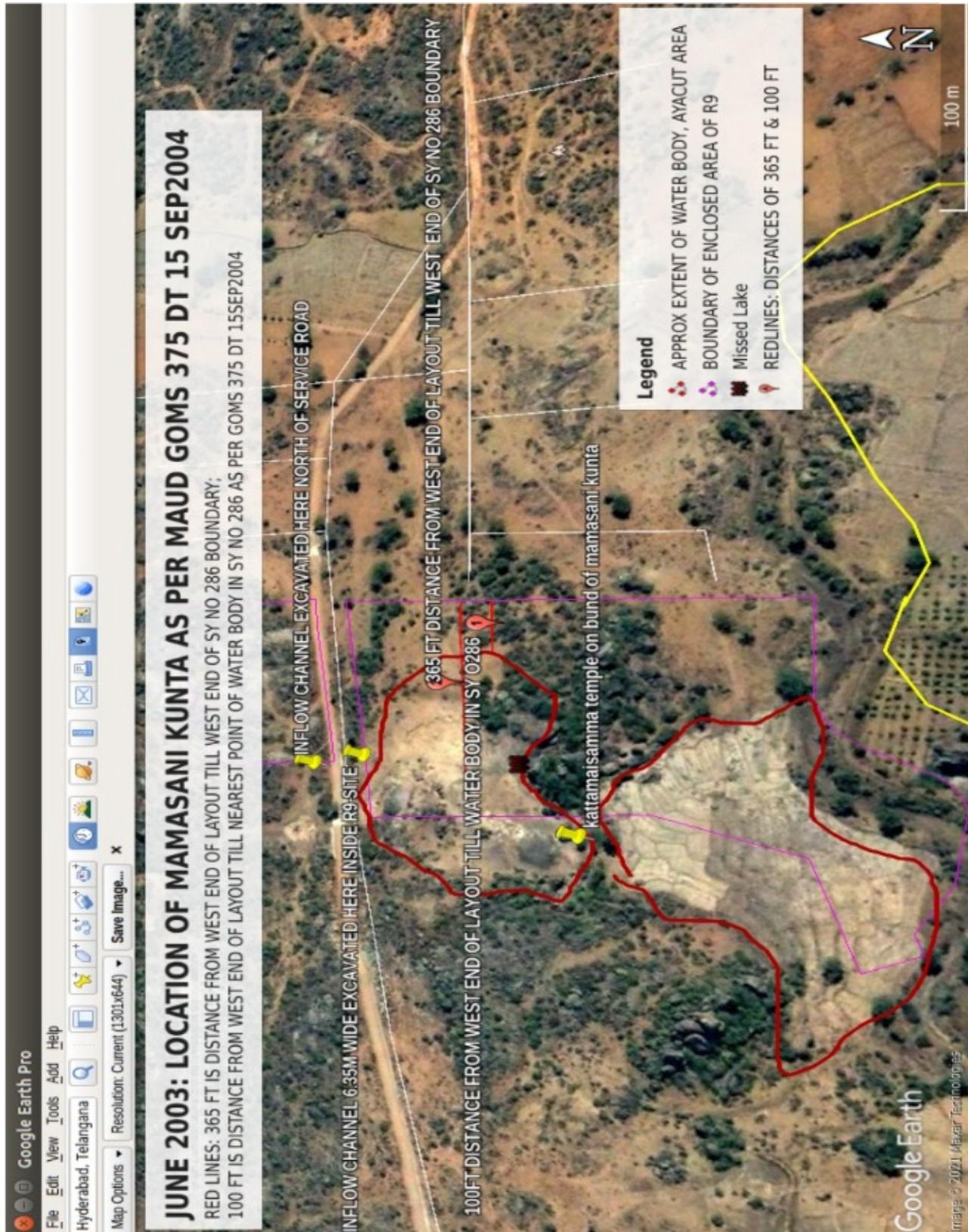


PICTURE 1: 'SKETCH SHOWING THE LAND IN SY NO. 286 OF PUPPALGUDA(V) RAJENDHRA NAGAR(M) RANGA REDDY (DIST)' as per All notings on File No. 000041477/ MAU/1/2004(2028) pertaining to GO Ms 375 dated 15 sep 2004

B. LOCATION OF MAMASANI KUNTA, PUPPULGUDA v, GANDIPET M, RR DIST, FROM 'SKETCH SHOWING THE LAND IN SY NO. 286 OF PUPPALGUDA(V) RAJENDHRA NAGAR(M) RANGA REDDY (DIST)' AS OVERLAID ON SATELLITE IMAGERIES OF GOOGLE EARTH:

[Handwritten signature]

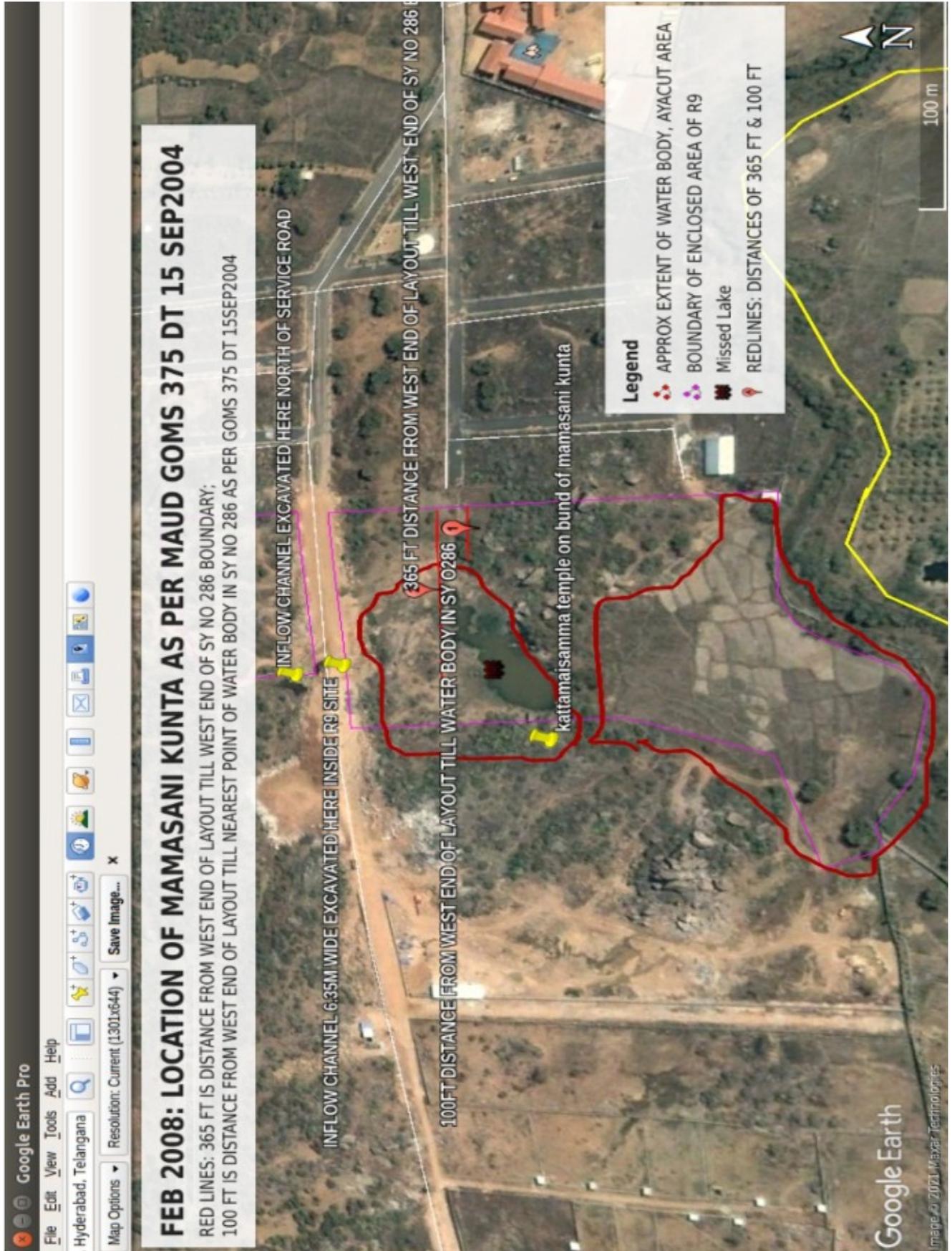
1- Picture 2 below is June 2003 imagery showing, approximate lake extent, & distances of 365' and 100' from western boundary of residential use zone to western end of boundary of sy no 286; and, western boundary of residential use zone to nearest point of water body in sy no. 286, respectively, overlaid on satellite imagery from google earth wrt GO Ms 375 dt 15 sep 2004, alongwith R9 enclosed boundary layer, alongwith, the approximate extent of water body and ayacut area, alongwith the excavated channels that are opening into R9 site from north to south



PICTURE 2: SATELLITE IMGERY OF JUNE 2003 OVERLAID WITH MULTIPLE LAYERS SUBSTANTIATING EXISTENCE OF MAMASANI KUNTA

Handwritten signature

2- Picture 3 below is Feb 2008 imagery showing, approximate lake extent, & distances of 365' and 100' from western boundary of residential use zone to western end of boundary of sy no 286; and, western boundary of residential use zone to nearest point of water body in sy no. 286, respectively, overlaid on satellite imagery from google earth wrt GO Ms 375 dt 15 sep 2004, alongwith R9 enclosed boundary layer, alongwith, the approximate extent of water body and ayacut area, alongwith the excavated channels that are opening into R9 site from north to south



PICTURE 3: SATELLITE IMGERY OF FEB 2008 OVERLAID WITH MULTIPLE LAYERS SUBSTANTIATING EXISTENCE OF MAMASANI KUNTA

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C. DERIVATIONS FROM 'A' AND 'B':

In light of the above submissions at item 'A. OBSERVATIONS ON LOCATION OF MAMASANI KUNTA, PUPPULGUDA v, GANDIPET M, RR DIST, FROM GO MS 375 DT 15 SEP 2004 AND NOTINGS FILE No. 000041477/ MAU/1/2004(2028)', and in light of item 'B. LOCATION OF MAMASANI KUNTA, PUPPULGUDA v, GANDIPET M, RR DIST, FROM 'SKETCH SHOWING THE LAND IN SY NO. 286 OF PUPPALGUDA(V) RAJENDHRA NAGAR(M) RANGA REDDY (DIST)' AS OVERLAID ON SATELLITE IMAGERIES OF GOOGLE EARTH', it is demonstrated and substantiated, that officials have not acted in good faith, and thru their omissions and commissions have allowed water body in survey no. 286, survey no. 288 to be destroyed and overridden, instead of their bounden duty to restoration and protection of water body as mandated by Supreme Court Orders and Constitution of India and National Green Tribunal Orders .

Further, R9 has submitted false or suppressed information and obtained EC and CFE to justify the constructions.

D. PRAYER:

1- EC and CFE and all affiliated permissions given for and to enable constructions in survey numbers to extent of Mamasani kunta be cancelled immediately and all constructions be halted immediately.

2- A team free from respondents be constituted as an independent body consisting of officials of National Geographical Research Institute, Survey of India, and individuals of high regard drawn from erstwhile Supreme Court Committees, to identify the FTL boundary /Maximum Water Spread and buffer zone boundary of the Mamasani kunta on ground as per FTL guidelines of Lake Protection Committee /HMDA and in light of all grounds substantiated by the Applicant, submitted to the NGT in the case; Action plan be submitted for restoration of the Mamasani kunta and its hydrology on war footing; Petitioner and her team be taken on board to assist and as a third party audit and follow up for quickest restoration of the water body under the monitoring of NGT Chennai.

3- All the respondents who have been found guilty of malafide may be proceeded against; and ,all all respondents found guilty be black listed immediately;

4- NGT common order of 22 .2.2021 in 593/2017 and 673/2018 be implemented especially item 38 and 39 where accountability is fixed and punishment/penalty has been laid down.

5- A Water bodies/Lake Tribunal be ordered to be established immediately, in Telangana State seated at Hyderabad with judicial member and expert member so that lake-rich telangana and GHMC area be fully protected to save citizens from the wrath of climate crisis and to protect their health including cognitive abilities.



.....

SIGNATURE OF APPLICANT

VERIFICATION:

I , Dr Lubna Sarwath,d/o late Muhammad Khaleelullah & Mrs Roohi, identified with voter id no. WRH2244622, Passport no. S6464105 hereby verify that all stated above are true to my personal knowledge and i have not suppressed any known material fact.

DATE: HYDERABAD

PLACE: 5 JULY 2021



DR LUBNA SARWATH
APPLICANT



GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Hyderabad Urban Development Authority, Hyderabad – Change of Land Use in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District to an extent of Acres 13-18 Guntas from partly Recreational and partly Conservation use zone to Residential use zone and deletion of proposed 30 Meters wide road – Draft Variation – Confirmed – Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT (I₁) DEPARTMENT

G.O.Ms.No. 3 7 5 M.A.,

Dated the 15th September, 2004.

Read the following:-

1. From Vice-Chairman, Hyderabad Urban Development Authority, Letter No.11525/MP1/Plg/HUDA/2003, dated 27.02.2004 and 17.06.2004
2. Government Memo.No.41477/MAU/11/2004-2 M.A., dated 09.08.2004.
3. From the Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad, Letter No. 11525/MP1/Plg/HUDA/03, dated 07.09.2004.

-- o0o --

ORDER:

The draft variation to the Zonal Development Plan for Poppalguda Zone of Non-Municipal area issued in Government Memo. second read above was published in the Extraordinary issue of Andhra Pradesh Gazette No.323, Part-I, dated 10.08.2004. No objections and suggestions have been received from the public within the stipulated period. It is reported by the Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad that the applicant has paid an amount of Rs.2,72,152/- (Rupees two lakhs seventy two thousand one hundred and fifty two only) towards development charges. Hence, the draft variation is confirmed.

2. The appended notification will be published in the next issue of the Andhra Pradesh Gazette.
3. A copy of this order is available on the Internet and can be accessed at the address "<http://apts.gov.in/appos>".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.R. RAO,
Principal Secretary to Government.

To
The Commissioner of Printing, Hyderabad.
The Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad.

Copy to:

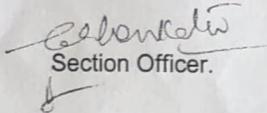
The Individual through the Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad.
The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad (in name cover)
The District Collector, Ranga Reddy District, Hyderabad.
The P.S. to Principal Secretary to Government, MA&UD Department.
The M.A. & U.D. (OP) Department.
Sf/Sc.

// Forwarded By Order //

APPENDIX
NOTIFICATION

In exercise of the powers conferred by Sub - section (2) of section 12 of the Andhra Pradesh Urban Areas (Development) Act, 1975 (Act-I of 1975) the Government hereby makes the following variation to the Zonal Development Plan for Poppalguda Zone of Non-Municipal area, the same having been previously published in the Extraordinary issue of Andhra Pradesh Gazette No.323, Part-I, dated 10-08-2004 as required by sub-section (3) of the said section.

... 2.


Section Officer.

-- 2 --

VARIATION

The site in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District to an extent of Acres 13-18 Guntas, the boundaries of which are given in the schedule below which is presently earmarked for partly Recreational and partly Conservation use zone and proposed 30 Meters wide road in the notified Zonal Development Plan for Poppalguda Zone of Non-Municipal area is designated as Residential use zone by deleting the proposed 30 Meters wide road passing through the site, subject to the following conditions; namely:-

1. the applicant shall obtain prior permission from Hyderabad Urban Development Authority before undertaking any development in the site under reference.
2. the owners / applicants shall handover the areas affected under the notified roads to the local bodies at free of cost.
3. the owners / applicants shall develop the roads free of cost as may be required by the local authority.
4. that the title and Urban Land Ceiling / Agricultural land ceiling aspect shall be scrupulously examined by the concerned authorities i.e., Urban Development Authorities / Municipal Corporations / Municipalities before issue of building permission / development permission, and it must be ensured that the best financial interests of the Government are preserved.
5. that the above change of land use is subject to the conditions that may be applicable under the Urban Land Ceiling Act, 1976 and A.P. Agriculture Ceiling Act.
6. The owners / applicants are solely responsible for any misrepresentation with regard to ownership / title, Urban Land Ceiling Clearances etc. The owners / applicants shall be responsible for any damage claimed by any one on account of change of land use proposed.
7. The change of land use shall not be used as the proof of any title of the land.
8. The change of land use shall not be used as the sole reason for obtaining exemption from the provisions of Urban Land Ceiling Act, 1976.
9. after demolition of the existing building clearances, if any required from Urban Land Ceiling Authorities should be obtained before approaching the Municipal Corporation of Hyderabad / Hyderabad Urban Development Authority for building permission.
10. that the applicant shall leave 33 feet wide buffer zone towards defunct Nala side which is located on Southern side.

Schedule of boundaries:

North : Survey Nos.314 and 315 of Poppalguda Village Hillock area.

South : Survey No.285 of Poppalguda Village, Waterbody area.

East : Survey Nos.283 to 284 of Poppalguda Village vacant land.

West : Survey No.287 of Poppalguda Village vacant land and Survey No.288 of Poppalguda Village, water bodies area.

S.R. RAO,
Principal Secretary to Government.

S. R. RAO
Section Officer.

S. R. RAO

(C.No.41477/MAU/11/2004) *Di-61*

M.A. & U.D. (I) Department.

ABSTRACT

Hyderabad Urban Development Authority, Hyderabad – Change of Land Use in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District to an extent of Acres 13-18 Guntas from partly Recreational and partly Conservation use zone ~~and~~ to Residential use zone and deletion of proposed 30 Meters wide road – Draft Variation – Confirmed – Orders – Issued.

G.O.Ms.No. 375 M.A.Dated 15-09-2004.Read the following:-

1. From Vice-Chairman, Hyderabad Urban Development Authority, Letter No.11525/MP1/PIg/HUDA/2003, dated 27.02.2004 and 17.06.2004
2. Government Memo.No.41477/MAU/11/2004-2 M.A., dated 09.08.2004.
3. From the Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad, Letter No. 11525/MP1/PIg/HUDA/03, dated 07.09.2004.

ORDER :

The draft variation to the Zonal Development Plan for Poppalguda Zone of Non-Municipal area issued in Government Memo. second read above was published in the Extraordinary issue of Andhra Pradesh Gazette No.323, Part-I, dated 10.08.2004. No objections and suggestions have been received from the public within the stipulated period. It is reported by the Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad that the applicant has paid an amount of Rs.2,72,152/- (Rupees two lakhs seventy two thousand one hundred and fifty two only) towards development charges. Hence, the draft variation is confirmed.

2. The appended notification will be published in the next issue of the Andhra Pradesh Gazette.
3. A copy of this order is available on the Internet and can be accessed at the address "<http://apts.gov.in/apgos>".

*15/9/04**Done 14/9/2004**15/9/04*

To *15/9/04*
The Commissioner of Printing, Hyderabad.
The Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad.

Copy to:
The Individual through the Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad.
The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad (in name cover)
The District Collector, Ranga Reddy District, Hyderabad.
The P.S. to Principal Secretary to Government, MA&UD Department.
The M.A. & U.D. (OP) Department.
Sf/Sc.

APPENDIX
NOTIFICATION

In exercise of the powers conferred by Sub - section (2) of section 12 of the Andhra Pradesh Urban Areas (Development) Act, 1975 (Act-I of 1975) the Government hereby makes the following variation to the Zonal Development Plan for Poppalguda Zone of Non-Municipal area, the same having been previously published in the Extraordinary issue of Andhra Pradesh Gazette No.323, Part-I, dated 10-08-2004 as required by sub-section (3) of the said section.

[Signature]

-- 2 --

VARIATION

The site in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District to an extent of Acres 13-18 Guntas, the boundaries of which are given in the schedule below which is presently earmarked for partly Recreational and partly Conservation use zone and proposed 30 Meters wide road in the notified Zonal Development Plan for Poppalguda Zone of Non-Municipal area is designated as Residential use zone by deleting the proposed 30 Meters wide road passing through the site, subject to the following conditions; namely:-

1. the applicant shall obtain prior permission from Hyderabad Urban Development Authority before undertaking any development in the site under reference.
2. the owners / applicants shall handover the areas affected under the notified roads to the local bodies at free of cost.
3. the owners / applicants shall develop the roads free of cost as may be required by the local authority.
4. that the title and Urban Land Ceiling / Agricultural land ceiling aspect shall be scrupulously examined by the concerned authorities i.e., Urban Development Authorities / Municipal Corporations / Municipalities before issue of building permission / development permission, and it must be ensured that the best financial interests of the Government are preserved.
5. that the above change of land use is subject to the conditions that may be applicable under the Urban Land Ceiling Act, 1976 and A.P. Agriculture Ceiling Act.
6. The owners / applicants are solely responsible for any misrepresentation with regard to ownership / title, Urban Land Ceiling Clearances etc. The owners / applicants shall be responsible for any damage claimed by any one on account of change of land use proposed.
7. The change of land use shall not be used as the proof of any title of the land.
8. The change of land use shall not be used as the sole reason for obtaining exemption from the provisions of Urban Land Ceiling Act, 1976.
9. after demolition of the existing building clearances, if any required from Urban Land Ceiling Authorities should be obtained before approaching the Municipal Corporation of Hyderabad / Hyderabad Urban Development Authority for building permission.
10. that the applicant shall leave 33 feet wide buffer zone towards defunct Nala side ~~which~~ which is located on Southern side.

Schedule of boundaries:

North : Survey Nos.314 and 315 of Poppalguda Village Hillock area.

South : Survey No.285 of Poppalguda Village, Waterbody area.

East : Survey Nos.283 to 284 of Poppalguda Village vacant land.

West : Survey No.287 of Poppalguda Village vacant land and Survey No.288 of Poppalguda Village, water bodies area.

Uk/la

Done 14/9/2014

OSD - ASH
15/9/14



V Srinivas / Assistant Section Officer 06/04/2004 02:03:55 PM

Initial Note

Facts of the Case
The site is presently covered by ZDP of Poppalaguda zone and approached by an existing public road which is 40'-0" wide. The site under reference falls in peripheral area of HUA, it is neither Govt land nor surplus land and not enter in POB. It is not under acquisition of HUDA. The applicants have title over the land to an extent of Ac 13-18 gts.

2 The VC HUDA has recommended the change of land use subject to leaving 30.00 mtrs wide buffer zone along the boundary of the water body and nala, and surrounded by residential plotted developments and vacant lands.

13 Issues
The issue is regarding change of land use in Sy Nos 286 (p) of Poppalaguda (v) of Poppalaguda (v) Rajendranagar (M) RR District to an extent of Ac 13-18 gts from partly recreational and partly conservation use to residential use in the notified Master plan / ZDP for non-municipal area.

16 Submitted for orders

5 K Rama Lingam / Section Officer 28/04/2004 11:47:57 AM

There is further representation received from the applicant on the issue in tappal. Re-examine the proposal with the same and putup.

18 V Srinivas / Assistant Section Officer 28/04/2004 03:44:52 PM

Please see the above observations.

17 In this regard it is submitted that, Sri G. Naveen has represented to the Govt raising certain points which may be perused in the CF.

- He has requested to consider
- 1) Not to insist 80 Mtr Green belt for the tank on the western side
- 2) To avoid taking into alignment of 100 Ft wide proposed road
- 3) to consider 30 Mtr green belt as mandatory open space 10% wide the layout rules.

8 In this regard the file is submitted for further orders in the matter

9 K Rama Lingam / Section Officer 29/04/2004 02:06:28 PM

HUDA has submitted proposal for change of land use in Sy.No; .286(P), Poppalaguda(V) Rajendranagar(M) from partly recreational use and partly conservation use zone to; Residential use zone to an extent of Ac.13.18gts.and recommended the proposal subject to; condition that leaving 30 mts. wide buffer zone along the boundary of the waterbody and nala and surrounded by Residential plotted developments. and vacant lands.

10 Now the individual has represented to the Govt. that if the conditions proposed by the HUDA are implemented he will loose 50% of land and further he will loose for observing layout rules and only Ac.3 .00 will remain to him. and requested and requested to consider on ground reality as referred items 1-3 in his representation.

11 In this connection it is submitted for orders since the HUDA have examined the proposal ,whether the proposal may be processed accordingly as proposed by HUDA OR

12 B)The representation of the applicant may be referred to HUDA for its remarks

Control 2

and the proposal of HUDA may Lo. till the remarks on the representation received.

S Bala Krishna / Joint Director 01/11/2004

Please see the note of the section.

12

In this case HUDA has recommended the proposal subject to certain conditions. Meanwhile the applicant has requested the Government to consider the change of land use by deleting the said conditions.

13

Therefore before processing the proposal the representation of the applicant may be sent to HUDA to examine the same and inform whether the request made by the applicant deserves any consideration or not so that further could be taken accordingly.

14

Submitted for orders.

15

A V Bhide / Officer on Special Duty 01/05/2004 12:58:32 AM

Note of JD may be approved

16

S.R.Rao / Principal Secretary 01/05/2004 02:16:22 PM

Approved

17

V Srinivas / Assistant Section Officer 06/05/2004 05:22:54 PM

W r t the above orders a draft letter to VC, HUDA is put up for approval

18

K Rama Lingam / Section Officer 07/05/2004 11:58:00 AM

May be approved.

19

S Bala Krishna / Joint Director 07/05/2004 06:22:05 PM

Sd/-

20

A V Bhide / Officer on Special Duty 10/05/2004 12:37:28 AM

Draft approved

21

V Srinivas / Assistant Section Officer 25/06/2004 02:36:22 PM

(Issued e-Letter No 41477/MAU/I04 MA dated 10-5-2004)

(From the VC, HUDA Letter No 11525/MP1/H/Plg/03, dated 17-6-2004)

Please see the references in the CF and earlier notes.

22

In the further report of VC, HUDA letter dt. 17-6-2004, has reported that, the representation of the applicant dt 23-4-2004 has been examined and the following remarks are submitted :

23

1) The applicant once again represented while enclosing a plan showing the boundaries of Sy No 286 (P) which is to an extent of Ac 13-18 gts duly attested by the Deputy Collector & MRO, Rajendranagar, RR District. Basing on the boundary plan the site has been inspected, it is observed on the ground that the existing tank on western side is 100 feet (30 Mt) away from the boundary. Hence the Green Belt of 30 Mtrs around the Tank is not affected in the site under reference.

2) On the South eastern side a Nala is existing on ground, which is a defunct Nala, for this and as per policy a (10 Mtrs) buffer strip is insisted abutting to the site under reference.

16/06/04

[Signature]

3) With regard to proposed (30 Mtrs) road as per the notified ZDP for Poppalaguda zone. This ZDP road alignment is not feasible as there are huge hillocks and boulders existing. In the draft Revised Master Plan 2020, this road is deleted and realigned, which is away from the site under reference on its Northern side which is feasible as per ground position and also this road is part of the alignment shown as 60 mtrs wide proposed road which is in continuation from the CDA Master Plan and also this forms part of the Express High Way taken up by HUDA and also this is demarcated on ground for implementation. Hence the notified ZDP road which is affected in the site under reference may be deleted and convert into residential use. This is to an extent of 13,006.00 sq meters.

24 In view of the above the VC, HUDA has requested the Government to keep other conditions as mentioned in the letter dated 27-2-2004 which holds good.

25 In view of the above the file is submitted for further orders on the proposal of VC, HUDA.

26 **K Rama Lingam / Section Officer** 25/06/2004 06:02:36 PM
Put up detailed note original issue and subsequent events took place.

V Srinivas / Assistant Section Officer 29/06/2004 03:18:52 PM

27 The issue is regarding change of land use in Sy Nos 286 (p) of Poppalaguda (v) of Poppalaguda (v) Rajendranagar (M) RR District to an extent of Ac 13-18 gts from partly recreational and partly conservation use to residential use in the notified Master plan / ZDP for non-municipal area

28 The VC, HUDA has submitted proposal for change of land use in Sy.No; 286(P), Poppalaguda(V) Rajendranagar(M) from partly recreational use and partly conservation use zone to; Residential use zone to an extent of Ac.13.18gts. and recommended the proposal subject to condition that leaving 30 mts. wide buffer zone along the boundary of the waterbody and nala and surrounded by Residential plotted developments and vacant lands.

29 Now the individual has represented to the Govt. that if the conditions proposed by the HUDA are implemented he will loose 50% of land and further he will also loose the land in order to follow the layout rules and only Ac.3 .00 will remain to him and requested to consider on ground reality as referred items 1-3 in his representation.

30 In this regard the report of VC, HUDA has been obtained.

31 Now the VC, HUDA has reported that, the representation of the applicant dt 23-4-2004 has been examined and the following remarks are submitted :

1) The applicant once again represented while enclosing a plan showing the boundaries of Sy No 286 (P) which is to an extent of Ac 13-18 gts duly attested by the Deputy Collector & MRO, Rajendranagar, RR District. Basing on the boundary plan the site has been inspected, it is observed on the ground that the existing tank on western side is 100 feet (30 Mt) away from the boundary. Hence the Green Belt of 30 Mtrs around the Tank is not affected in the site under reference.

2) On the South eastern side a Nala is existing on ground, which is a defunct Nala, for this and as per policy a (10 Mtrs) buffer strip is insisted abutting to the site under reference.

3) With regard to proposed (30 Mtrs) road as per the notified ZDP for Poppalaguda zone. This ZDP road alignment is not feasible as there are huge hillocks and boulders existing. In the draft Revised Master Plan 2020, this road is deleted and realigned, which is away from the site under reference on its Northern side which is feasible as per ground position and also this road is part of the alignment shown as 60 mtrs wide proposed road which is in

Contd...

continuation from the CDA Master Plan and also this forms part of the Express High Way taken up by HUDA and also this is demarcated on ground for implementation. Hence the notified ZDP road which is affected in the site under reference may be deleted and convert into residential use. This is to an extent of 13,006.00 sq meters.

In view of the above the VC, HUDA has requested the Government to keep other conditions as mentioned in the letter dated 27-2-2004 which holds good.

In view of the above the file is submitted for further orders on the proposal of VC, HUDA.

K Rama Lingam / Section Officer 30/06/2004 11:51:31 AM
Submitted for orders on the proposal.

S Bala Krishna / Joint Director 01/07/2004 10:49:12 AM
Please see the note of the section.

The proposal is for change of land use from partly recreational and partly conservation use to Residential use in Poppalaguda (v), RR Dist., to an extent of Ac.13-18 guntas.

As per the report of V.C.HUDA the above site is covered by ZDP of Poppalaguda Zone (sanctioned in G.O.Ms.No.479 M.A.Dt.3/3/1989) and approached by existing 40 feet wide public road and surrounded by residential plotted developments and vacant lands.

V.C. has recommended the proposal subject to maintaining a 33 feet buffer strip along a defunct nala which is on the eastern side of the site under reference.

Further V.C. has recommended to delete a proposed 100 feet road which is supposed to pass through the above site stating that this proposed road is not feasible as there are huge hillocks and boulders existing in its alignment and proposed a new alignment which will not affect the site under reference.

In view of the above, if agreed the file may be circulated to Members of Change of Land Use Committee for consideration of the proposal as recommended by V.C.HUDA.

Submitted for orders.

A V Bhide / Officer on Special Duty 05/07/2004 06:27:35 PM
Note of JD may be approved

S.R.Rao / Principal Secretary 06/07/2004 09:13:40 AM
File may be circulated to Members of Change of Land Use Committee

A V Bhide / Officer on Special Duty 07/07/2004 02:39:13 PM
Take action as per above orders.

COMMISSIONER OF INDUSTRIES

SPL. C.S. (REVENUE)

HS Sir, the file has been processed electronically and approved by M.A. QUD

M. Rama Lingam
SECTION OFFICER

TO COMMISSIONER'S DESK

8 JUL 2004

1. Does the defunct nalla ⁴⁶ act as a feeder channel to the tank? ⁴⁷
2. Is there a policy with ⁴⁷ B/s of MA QUD regarding conversion periphery of lands in and

From Dec 19
around Hyderabad

48 ③ Loss the FTL of the
land the site under conversion
to residential use

16/7

(By MAO)

Handwritten notes on the left margin:
✓ CF-23
✓ CF-25
✓ CF-10

Handwritten notes: JD (B) to M 21/2/04

Discussed with OSD . Please see the observations of Commissioner of Industries. In this regard it is submitted that

- 1) as per the remarks furnished by V.C.HUDA the site proposed for change of land use is 100 feet away from the tank which is located on the western side of the above site
- 2) as per the plans furnished by V.C.HUDA and the plans certified by Dy.Collector and MRO , Rajendra Nagar, RR dist., the defunct nala is located away from the tank and not connected to it. Further this defunct nala is not being disturbed. However as a precautionary measure HUDA has suggested a condition that a 33 feet wide green belt has to be provided towards this defunct nala side.
- 3) Regarding the conversion of lands which are falling in FTL / tanks bed lands / lands on the periphery of tanks it is submitted that as a policy Government is not considering change of land use when any land is falling in FTL or a tank bed land. However while considering the change of land of the periphery lands which are not falling in FTL / tank bed lands a special condition is being insisted as a precautionary measure that a minimum 100 feet green belt has to be provided on the tank side .

With the above, if agreed the file may be re-circulated to commissioner of Industries / Special Chief Secretary (Revenue) for consideration of the proposal.

COMMISSIONER'S PSEB
27 JUL 2004

Handwritten signatures and dates at the bottom:

- 24/12/04
- 24/12/04
- 24/12/04
- 26/7/04
- 27/7/04
- 26/7/04
- 27/7/04
- 26/7/04

Pr. Secretary to Govt.
MA & UD Dept.
Date 26/7

Pr. Secretary to Govt.
MA & UD Dept.
Date 27/7

Comd of Industries

Spent C.S. Ramesh 27/7

The proposal in this file is regarding Change of Land Use 51 from partly Recreational and partly Conservation use zone to Residential use in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District to an extent of ~~12,000.00~~ 13-18 818 Square Meters.

In this case, the Chairman along with other two Members of 52 the Change of Land Use Committee have recommended the proposal. The recommendations of the Change of Land Use Committee may be perused at paras 1-50 on pages 1-5 ante.

In view of the above, the file may be circulated to M (M A) for 53 approval.

S. Jayaram
30/7/04

J. S. Prasad
30/7/2004

S. Prasad
30/7/2004

S. Prasad
30/7/04

M. S. Prasad

30/7
268

~~M (M A)~~
S. S. Prasad
3.8.04

S. Prasad
30/7/04

OFFICE OF THE Minister for Impl. Admn. & U.D.
No. 61
Date : 31/8/04

Pr. Secretary to Govt. MA & UD Dept.
Date 4/8/04

S. Prasad

S. Prasad

54

Please see the note from para 1⁵³ on prepage.

55

The proposal in this is regarding Change of Land Use in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District to an extent of ~~19,000~~ ^{15,13-18.85} Square Meters from partly Recreational and partly Conservation use zone to Residential use zone.

56

Orders in circulation have been obtained for approval of the proposal on prepage.

57

Submitted that in this case, before issue of final orders, the draft variation pertain to the site under reference as furnished by the Vice-Chairman, Hyderabad Urban Development Authority may have to be published in the Extraordinary issue of Andhra Pradesh Gazette calling for objections or suggestions as required under the rules.

58

Subject to orders, a draft Memo. is put up below for approval.

5/8/04
2/10/2004
(AC)

JD(B) 2/10/2004

(continued)

2/10/04
P. Secy

(Issued as Memo.No.41477/ MAU / 11 / 2004-2 M.A., dated 09.08.2004)
(From the Commnr of Printing, A.P. Gazette No.323, dated 10.08.2004)
(From the VC, HUDA., Lr.No. 11525/MP1/Plg/HUDA/03, dated 07.09.2004)

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59

Please see the Draft Variations issued in Memo. dated 09.08.2004 and published in the Andhra Pradesh Extraordinary Gazette No.323, dated 10.08.2004 for calling objections and suggestions from public. No objections and suggestions have been received by the Government during the stipulated period. The VC, HUDA has informed that the applicant has paid an amount of Rs.2,72,1520/- towards development charges. Hence, the draft variations issued in Memo. dated 09.08.2004 may have to be confirmed.

Subject to orders, a draft order is put up below for approval.

5/8/04

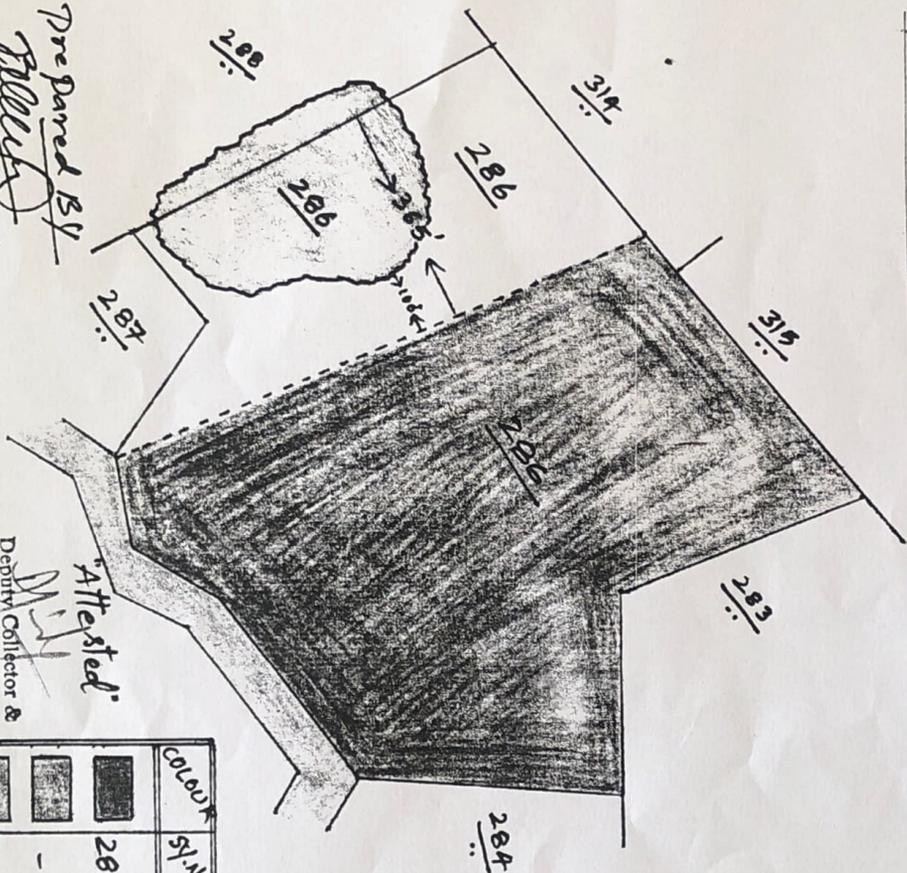
2/10/2004

10/10/04
15/9/04

7/8
2888
[Signature]

[Signature]

SKETCH SHOWING THE LAND IN S.Y.NO. 286 OF PUPPALGUDA
RATENDHRA NAGAR (M) RANGA REDDY (DIST)

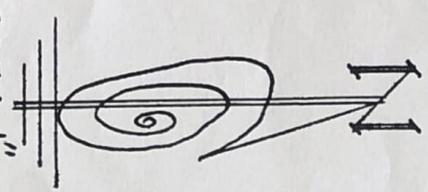


Prepared By
[Signature]
M.S. R. Nagar

"Attested"
[Signature]
Deputy Collector &
Mandal Revenue Officer
Rangra Nagar.

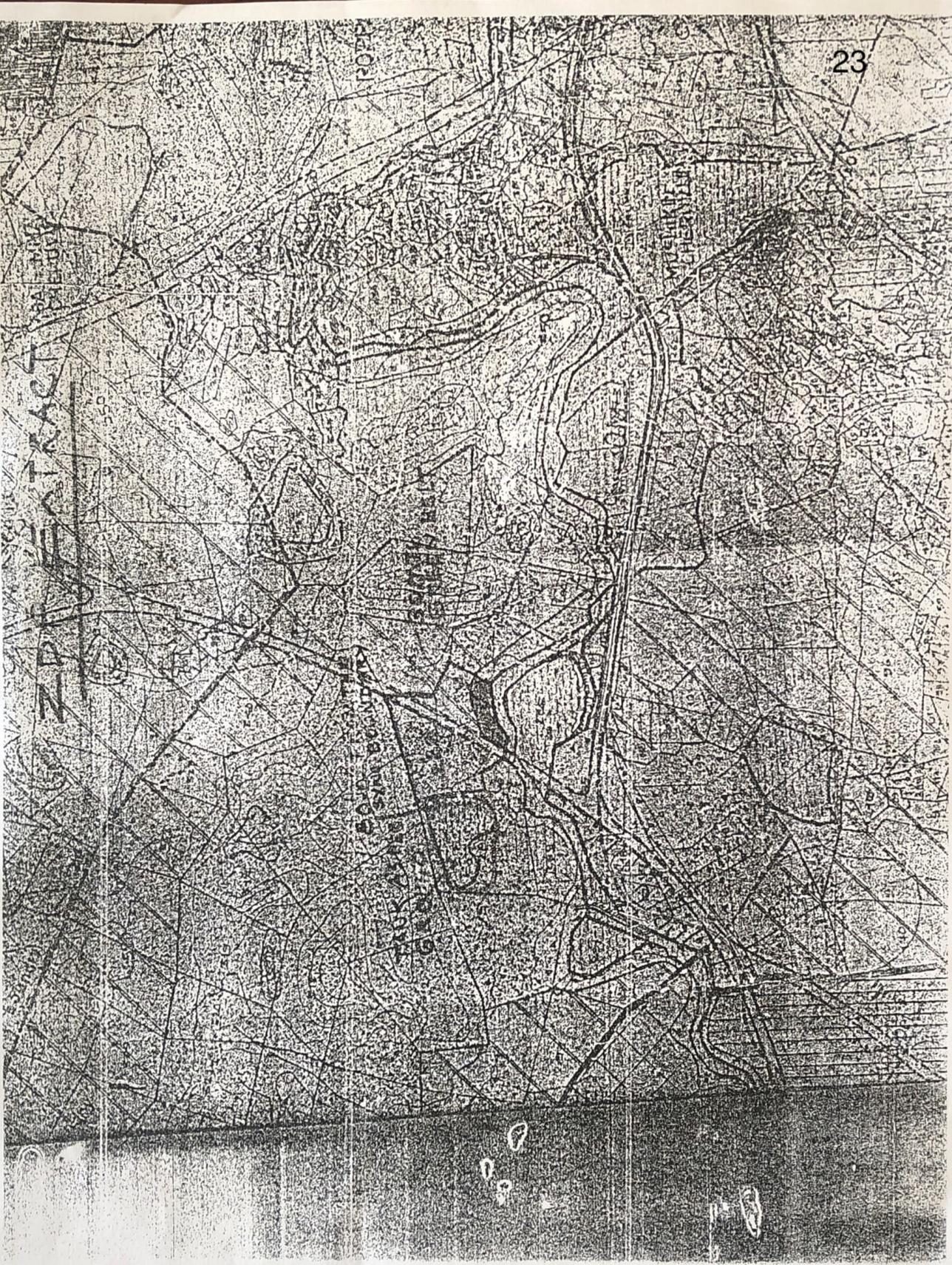
COLOUR	ONKS
	286
	-
	-

NATURE OF FIELD
TANK BED
KALLA



SCALE: 1" = 200'
Village: PUPPALGUDA
Mandal: RATENDHRA
NAGAR
Dist: RANGA REDDY

[Signature]



sch

Memo.No.41477 / MAU / I₁ / 2004 – 2 M.A., Dated 09.08.2004.

Sub: Hyderabad Urban Development Authority, Hyderabad – Change of Land Use in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District to an extent of Acres 13-18 Guntas from partly Recreational and partly Conservation use zone and to Residential use zone and deletion of proposed 30 Meters wide road – Draft Variation - Notification – Issued.

Ref: From Vice-Chairman, Hyderabad Urban Development Authority, Letter No.11525/MP1/Plg/HUDA/2003, dated 27.02.2004 and 17.06.2004.

– oOo --

The appended notification will be published in the Extraordinary issue of Andhra Pradesh Gazette, dated 10.08.2004.

2. Specific approval of the Principal Secretary to Government, Municipal Administration and Urban Development has been obtained for publication of notification in the Extraordinary issue of Andhra Pradesh Gazette.

Gazette.

Stalor 2/11
6/8/2004

S.D. (B) Rangapoor

ESB
(Anleau)

To 9/8/04
The Commissioner of Printing, Hyderabad.

The Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad.

Copy to:

The individual through the Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad.

The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad. (in name cover)

The District Collector, Ranga Reddy District, Hyderabad.

APPENDIX NOTIFICATION

The following draft variation to the land use envisaged in the Zonal Development Plan for Poppalguda Zone of Non-Municipal area which is proposed in exercise of the powers conferred by sub-section (2) of section 12 of Andhra Pradesh Urban Area (Development) Act, 1975 (Act-I of 1975) read with rule 13-A of Urban Development Area (Hyderabad) Rules, 1977 is hereby published as required by sub-section (3) of the said section.

Notice is hereby given that the draft will be taken into consideration after expiry of fifteen days from the date of publication of the notification in the Andhra Pradesh Gazette and that any objections or suggestions which may be received from any person with respect thereto before expiry of said period will be considered by the Government of Andhra Pradesh. Objections or suggestions should be addressed to the Principal Secretary to Government, Municipal Administration and Urban Development Department, Secretariat, Andhra Pradesh, Hyderabad – 500 022.

... 2.



-- 2 --

DRAFT VARIATION

The site in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District to an extent of Acres 13-18 Gunyas, the boundaries of which are given in the schedule below which is presently earmarked for partly Recreational and partly Conservation use zone and proposed 30 Meters wide road in the notified Zonal Development Plan for Poppalguda Zone of Non-Municipal area is now proposed to be designated as Residential use zone by deleting the proposed 30 Meters wide road, ^{passing through the site} subject to the following conditions; namely:-

1. the applicant shall pay development charges to Hyderabad Urban Development Authority as per rules in force, before issue of final orders.
2. the applicant shall pay balance processing fee to Hyderabad Urban Development Authority before issue of final orders.
3. that the development charges are not paid within thirty days, the orders of change of land use will be withdrawn without any further notice.
4. the applicant shall obtain prior permission from Hyderabad Urban Development Authority before undertaking any development in the site under reference.
5. the owners / applicants shall handover the areas affected under the notified roads to the local bodies at free of cost.
6. the owners / applicants shall develop the roads free of cost as may be required by the local authority.
7. that the title and Urban Land Ceiling / Agricultural land ceiling aspect shall be scrupulously examined by the concerned authorities i.e., Urban Development Authorities / Municipal Corporations / Municipalities before issue of building permission / development permission, and it must be ensured that the best financial interests of the Government are preserved.
8. that the above change of land use is subject to the conditions that may be applicable under the Urban Land Ceiling Act, 1976 and A.P. Agriculture Ceiling Act.
9. The owners / applicants are solely responsible for any misrepresentation with regard to ownership / title, Urban Land Ceiling Clearances etc. The owners / applicants shall be responsible for any damage claimed by any one on account of change of land use proposed.
10. The change of land use shall not be used as the proof of any title of the land.
11. The change of land use shall not be used as the sole reason for obtaining exemption from the provisions of Urban Land Ceiling Act, 1976.
12. after demolition of the existing building clearances, if any required from Urban Land Ceiling Authorities should be obtained before approaching the Municipal Corporation of Hyderabad / Hyderabad Urban Development Authority for building permission.
13. that the applicant shall leave 33 feet wide buffer zone towards ^{defunct nala side} which is located on Southern side.

Schedule of boundaries:

North : Survey Nos.314 and 315 of Poppalguda Village Hillock area.

South : Survey No.285 of Poppalguda Village, Waterbody area.

East : Survey Nos.283 to 284 of Poppalguda Village vacant land.

West : Survey No.287 of Poppalguda Village vacant land and Survey No.288 of Poppalguda Village, water bodies area.

5/12/2004
6/18/2004

S (B)
20/1/2004

(On leave)

[Signature]

GOVERNMENT OF ANDHRA PRADESH
MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT

26

Memo.No.41477 / MAU / I, / 2004 – 2 M.A.,

Dated 09.08.2004.

Sub: Hyderabad Urban Development Authority, Hyderabad – Change of Land Use in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Mandal, Ranga Reddy District to an extent of Acres 13-18 Guntas from partly Recreational and partly Conservation use zone and to Residential use zone and deletion of proposed 30 Meters wide road – Draft Variation - Notification – Issued.

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– o0o --

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2. Specific approval of the Principal Secretary to Government, Municipal Administration and Urban Development has been obtained for publication of notification in the Extraordinary issue of Andhra Pradesh Gazette.

S.R. RAO,

Principal Secretary to Government.

To

The Commissioner of Printing, Hyderabad.

The Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad.

Copy to:

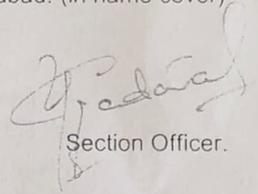
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The Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad. (in name cover)

The District Collector, Ranga Reddy District, Hyderabad.

sc

// Forwarded By Order //


Section Officer.

APPENDIX
NOTIFICATION

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2. the applicant shall pay balance processing fee to Hyderabad Urban Development Authority before issue of final orders.
3. that the development charges are not paid within thirty days, the orders of change of land use will be withdrawn without any further notice.

... 2.



4. the applicant shall obtain prior permission from Hyderabad Urban Development Authority before undertaking any development in the site under reference.
5. the owners / applicants shall handover the areas affected under the notified roads to the local bodies at free of cost.
6. the owners / applicants shall develop the roads free of cost as may be required by the local authority.
7. that the title and Urban Land Ceiling / Agricultural land ceiling aspect shall be scrupulously examined by the concerned authorities i.e., Urban Development Authorities / Municipal Corporations / Municipalities before issue of building permission / development permission, and it must be ensured that the best financial interests of the Government are preserved.
8. that the above change of land use is subject to the conditions that may be applicable under the Urban Land Ceiling Act, 1976 and A.P. Agriculture Ceiling Act.
9. The owners / applicants are solely responsible for any misrepresentation with regard to ownership / title, Urban Land Ceiling Clearances etc. The owners / applicants shall be responsible for any damage claimed by any one on account of change of land use proposed.
10. The change of land use shall not be used as the proof of any title of the land.
11. The change of land use shall not be used as the sole reason for obtaining exemption from the provisions of Urban Land Ceiling Act, 1976.
12. after demolition of the existing building clearances, if any required from Urban Land Ceiling Authorities should be obtained before approaching the Municipal Corporation of Hyderabad / Hyderabad Urban Development Authority for building permission.
13. that the applicant shall leave 33 feet wide buffer zone towards defunct Nala side which is located on Southern side.

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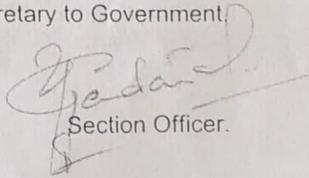
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West : Survey No.287 of Poppalguda Village vacant land and Survey No.288 of Poppalguda Village, water bodies area.

S.R. RAO,
Principal Secretary to Government.


Section Officer.



28



Lubna Sarwath لُبْنَا سَرْوَتھ لُبْنَا سَرْوَتھ <sarwath.lubna@gmail.com>

Joint Committee Inspection of Mamasani Kunta Puppulguda RR dist- Order by NGT chennai

Lubna Sarwath <sarwath.lubna@gmail.com>
To: iro.hyderabad-mefcc@gov.in, ro.moefccc@gov.in

Sun, May 16, 2021 at 9:19 PM

----- Forwarded message -----

From: **Lubna Sarwath** <sarwath.lubna@gmail.com>

Date: Sun, May 16, 2021 at 9:15 PM

Subject: Joint Committee Inspection of Mamasani Kunta Puppulguda RR dist- Order by NGT chennai

To: <iro.hyderabad-inefcc@gov.in>, collec tor <collector.rangareddy@gmail.com>, ee lakesdivisionhmda <ee_lakesdivisionhmda@yahoo.com>, HMDA COM NeerabhKumar <mc@hmda.gov.in>, Bppa ME Mr. Khajuria <me@hmda.gov.in>, <roefcccl@gmail.com>

Cc: Socialist Party (India) <socialist-party-india@googlegroups.com>, Cc: <press-friends@googlegroups.com>, HUM HYDERABADI <hum-hyderabad@googlegroups.com>, soulhyderabad <soulhyderabad@googlegroups.com>, <napmap@googlegroups.com>

Hyderabad 16 may 2021

To

SHRI HEMANTH KUMAR, IFS

(Addl. Charge)

Deputy Director General of forests (C),
Ministry of Env., Forest and Climate Change,
Integrated Regional Office, Hyderabad
3' Floor, Room No. 309, Aranya Bhawari, Opp. RBI,

Hyderabad, Telangana

Sub: Restoration of Mamasani kunta, OA 39/2020 in NGT chennai - Order of 17 march 2021 - Next hearing 7 une 2021

Ref: 'Joint Committee to conduct a physical survey of the properties of the 9 th respondent and the water body...'

'Joint Committee comprising of District Collector, Rangareddy, a senior official from Ministry of Environment Forests, and Climate Change (MoEF&CC) , Regional Office, Chennai, Senior Officer from Lake Protection Commission' has been directed by NGT Chennai as per order dated 17 march 2021 'to conduct a physical survey of the properties of the 9 th respondent and the water body...'

Please let us know the earliest date of joint inspection with sufficient advance intimation.

best

dr lubna sarwath

petitioner in OA 39/2020 at NGT chennai

for restoration of Mamasani kunta, puppulguda village, RR district. telangana

Encl. NGT order of 17 march 2021

--

Dr Lubna Sarwath, PhD(Indonesia), i-WIL(IIM-B)

Telangana State General Secretary & Spokes Person, Socialist Party (India) <http://spi.org.in/states/telangana/>

Editorial Team, IJOES,UK <http://www.emeraldgrouppublishing.com/h.htm>

29

ex-Convenor, Save Our Urban Lakes(SOUL), Hyderabad

former Visiting Lecturer, Trisakti University, Jakarta, Indonesia

Contested candidate for Asifnagar Corporator, GHMC December 2020

Contested candidate for Karwan MLA, Telangana Assembly December 2018

Contested candidate for Hyderabad MP, Parliament of India April 2014

m:9963002403; e:sarwath.lubna@gmail.com; t:@LubnaSarwath f:LubnaSarwath in:LubnaSarwath

'UNITE BEHIND SCIENCE. MAKE THE BEST AVAILABLE SCIENCE AT THE HEART OF POLITICS AND DEMOCRACY' - GRETA THUNBERG, 16 YR OLD SWEDISH CLIMATE ACTIVIST GETS EMOTIONAL AT EUROPEAN PARLIAMENT ON 16 APRIL 2019.

Art 51A (g) in Part IVA: Fundamental Duties of the Indian Constitution: (51A) It shall be the duty of every citizen of India—(g) to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.



17mar2021 mamasani kunta 39 of 2020 ngt chennai.pdf

582K




HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY

 Swarnyanthi Complex, Ameerpet.
 Hyderabad 500038

Lr.No.NGT/39/2020
Dt.28-05-2021

 To
 Ministry of Environment Forests
 and Climate Change (MoEF&CC),
 Regional office, Chennai

 The District Collector
 R.R. District

 Dr. Lubna Sarwath
 State General Secretary, Socialist party (INDIA)
 # 12-2-389/A/72/A, Mahaveer Nagar,
 Karwah Sahu, Hyderabad 500006
 Telangana

 M/s. Phoenix Spaces Pvt Ltd
 Plot No. 1335, Phoenix House
 Road No. 45, Jubilee Hills Hyderabad 500033

Sir,

 Sub:- HMDA – Plg – Hon'ble NGT Orders - joint inspection of Mamasani Kunta
 Situated at Gandipet Manda on 01.06.2021 at 9.00 A.M.

 Ref:- Hon'ble NGT as issued orders in Original Application No.39/ 2020(SZ)
 Dt. 17.3.2021

 In the reference cited, Hon'ble NGT has issued orders in Original Application
 No.39/ 2020(SZ).

ORDER:

1. When the matter came up for hearing today through Video Conference, Dr. Lubna Sarwath, applicant appeared in person. Mrs. Renuka represented Mrs. H. Yasmeeen Ali, the learned counsel appearing for respondents 1 to 6 & 8, Mr. T. Sai Krishnan represented 7th respondent and Mr. AR. L. Sundaresan, Senior Advocate along with Mr. Kishore Kumar represented 9th respondent. So, service is complete.
2. The respondents 5 & 9 alone filed their counter statement. Other respondents wanted some more time to file their counter.
3. The matter is pending for more than one year now. The parties are expected to complete the pleadings within 2 (Two) Months as per the provisions of the National Green Tribunal Act, 2010 including the extended time permissible and the matter itself will have to be disposed of within a period of 6 (Six) Months.
4. However, some times the matter cannot be disposed of within six months for other reasons where the report of the committee etc. could not have been obtained in time.

5. The Joint Committee has filed their report. It is mentioned in the report that Mamasani Kunta is located in Sy. No.288 of Puppalguda village and not in Sy. No.286 of Puppalguda village and the 9th respondent i.e. M/s. Phoenix Spaces Pvt. Ltd. is making construction in Sy. No.286/P which is adjacent to Sy. No.288.
6. It is also mentioned in the report that Sy. No.288 which is shown as Kunta in the village map and master plan is presently vacant and there is no water in it and the 9th respondent property is abutting to this survey number and 9th respondent is not making any construction in Sy. No.288 which is shown as a water body in the village map and HMDA Master Plan. There is a culvert adjacent to the property being developed by the 9th respondent in Sy. No.286 of Puppalguda village and as per the directions given by the TSIIC, the 9th respondent has carried out works for restoration of culvert and laid down the pipelines and constructed (10) precast catch basin chamber for free flow of water from culvert to nearby Nala known as Bulkapur Nala.
7. The applicant has filed objection to the Joint Committee report stating that they cannot rely on the survey numbers alone. The prayer in the application is to restore the water body and according to applicant, the 9th respondent has encroached into the water body and made the construction.
8. The learned Senior Advocate appearing for the 9th respondent submitted that the applicant filing this objection is trying to enhance the scope of the prayer in the application and the same cannot be allowed.
9. It may be mentioned here that a reading of the allegations in the application will go to show that the 9th respondent is alleged to have encroached into the water body which was shown in Sy. No.288 of that village and constructed a culvert and putting up his construction over the water body.
10. Merely because the survey numbers are different whether there is actual encroachment or not cannot be identified without conducting proper survey of the property. Only if the Joint Committee conducts survey of the land which is shown as water body and the private property with the assistance of the surveyors from the revenue department and ascertain as to whether any portion of the proposed construction of the 9th respondent is encroaching into the water body or not, it is not possible to come to the conclusion as to whether there is any encroachment or not. Such an exercise has not been conducted by the Joint Committee, while filing the report as they have only relied on the survey numbers of the property and not actual measurement of the property as per ground verification.



11. So under such circumstances, we feel that it is necessary to direct the Joint Committee to conduct a physical survey of the properties of the 9th respondent and the water body with the help of the revenue map and the HMDA master plan and ascertain as to whether any portion of the construction proposed to be undertaken by the 9th respondent is extended to the property which is covered by the water body.
12. They are also directed to ascertain as to whether while renovating the culvert as permitted any encroachment has been made and whether there is any possibility of obstruction of flow of water that is likely to be caused during the monsoon if the water body is filled with water. These aspects will have to be made clear in the further report to be filed by them. If there is any encroachment, then they must also suggest the proposed action to be taken to remove the encroachment.
13. The Joint Committee is also directed to consider the objection filed by the applicant to the Joint Committee report and give opinion regarding the same as well in the further report to be filed.
14. The applicant is directed to give the copy of the objection filed by her before this Tribunal to the members of the committee within a week so that the committee members can consider the same while submitting further report.
15. The Joint Committee is also directed to give notice to the applicant as well as party respondent namely, 9th respondent regarding the inspection. The applicant is permitted to present at the time of inspection but she should not interfere with the survey that is being conducted or the manner in which the survey is being conducted so as to obstruct the work of the committee being continued. If she has got any objection to the manner in which the measurement etc. was made and if she has got any objection to the further report to be filed, she is at liberty to file her objection to the same which this Tribunal can consider. Both applicant and 9th respondent are directed to cooperate with the committee to carry out the survey and inspection.
16. The committee is directed to submit a further report and other respondents are directed to file their reply statement to this Tribunal on or before 26.04.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules.
17. The Registry is directed to communicate this order along with copy of the objection filed by the applicant to the Joint Committee report to the members of the committee by e-mail immediately so as to enable them to comply with the direction.



18. For completion of pleadings and consideration of further report, post on 07.06.2021.

In this a committee comprising (1) District Collector, Ranga Reddy (2) A senior official from Ministry of Environment Forests and Climate Change (MoEF&CC), Regional office, Chennai (3) Senior Officer from LPC to inspect the area along with applicant Dr. Lubana Sarwth and (Respondent No. 9) Phoenix Spaces Private Limited.

In pursuance of the above it is proposed to conduct the joint inspection of Mamasani Kunta Situated at Gandipet Mandal on 01.06.2021 at 9.00 A.M.

You are requested to kindly make it convenient at attend the joint inspection on the above Dt 01.06.2021 at 9.00 A.M.

**Yours faithfully,
Sd/-
for Metropolitan Commissioner
Director Planning – I**

**Copy to
Lake Protection Committee (Executive Engineer, HMDA) for information and necessary action
Lake Protection Committee (Chief Information Officer, HMDA) for information and necessary action**

//t.c.f.b.o.//

Divisional Accounts Officer (SJ)
Planning .



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय/INTEGRATED REGIONAL OFFICE
Aranya Bhavan, 3rd floor, Saifabad, Hyderabad-500004, Telangana.
E-mail: irohyd.moefcc@gmail.com

E-file No. EP(A)/NGT(SZ)/076/IRO-HYD/2021

26.06.2021

To

Dr. Lubna Sarwath,
(Applicant in OA.39 of 2020),
12-2-389/A/72/A, Mahaveer Yadav Nagar,
Karwan Sahu, Hyderabad-500006
(email: sarwath.lubna@gmail.com)

Sub.: Representation received by mail dated 14.06.2021 from Dr. Lubna Sarwath in OA.39 of 2020, in the matter of Dr. Lubna Sarwath vs State of Telangana and Ors, Hon'ble NGT(SZ), Chennai-regarding.

Ref.: Hon'ble NGT(SZ), Chennai order dated 17.03.2021

Sir/Madam,

Your kind attention is invited to subject and references cited above and to convey that as directed by competent authority, a meeting has been scheduled to discuss the issues pertaining to the representations received by Dr. Lubna Sarwath on said matter at Integrated Regional Office, MoEF&CC, 3rd Floor, Aranya Bhawan, Saifabad on 29.06.2021 (Tuesday), 12.00PM.

2. Therefore, you are requested to make it convenient to attend the said meeting on the scheduled date and time for further action in this matter.

This issue with the approval of Regional officer/DDGF(C), IRO, Hyderabad.

Yours sincerely

Sd/-

Dr. E. Arockia Lenin
Scientist 'C'
(arockia.lenin@gov.in)

Copy to,

1. Shri. Srikanth Badgia, Director, Phonenix Spaces Pvt Ltd, Plot No. 1335, Road No. 45, Jubilee Hills, Hyderabad – 500033, (email: badgia@phonixinida.net)

Copy for information to,

1. District Collector, Ranga Reddy District, Lakdikapul, (collector_rr@telangana.gov.in)
2. Shri.J. Krishna Rao, Executive Engineer, Member, Lake Protection Committee, Hyderabad Metropolitan Development Authority, (email: ee.lakesdivisionhmda@gmail.com)
3. Shri. S. Balakrishna, Director Planning-I, Hyderabad Metropolitan Development Authority (email: dir1plg@hmda.gov.in)



To

The Regional officer/DDGF(C),
Member-Joint Committee in OA 39/2020, SZ NGT Chennai,
INTEGRATED REGIONAL OFFICE
Aranya Bhavan, 3rd floor, Saifabad
Hyderabad-500004,Telangana.
E-mail: irohyd.moefcc@gmail.com

Sub: OA 39/2020 at NGT SZ Chennai – next scheduled hearing on 12 july 2021

Ref: 1) E-file No. EP(A)/NGT(SZ)/076/IROA)/NGT(SZ)/076/IRO-HYD/2021
dt. 26.06.2021

2) 'FURTHER REPORT SUBMITTED BY THE JOINT INSPECTION COMMITTEE
IN OA NO. 39 OF 2020 (SZ)' undated; received thru email dated 18 June 2021
from lawsbi@gmail.com

In reply to the 'FURTHER REPORT SUBMITTED BY THE JOINT INSPECTION
COMMITTEE IN OA NO. 39 OF 2020 (SZ)', dated NIL, received by email dated 18
june 2021 from lawsbi@gmail.com , following are the additional submissions I
would like to present apart from the documents emailed to you on 14 june
2021, that is referred in your letter of 26.06.2021.

Submissions are grouped as following:

A1. OPENING STATEMENTS:

- A. LOCATION OF CULVERT AS IDENTIFIED BY TSIIC, R9, MRO, officials;
- B. LOCATION OF MAMASANI KUNTA AS PER GO MS 375 DATED 15 SEP 2004;
- C. EXTRACTS FROM SURVEY OF INDIA PHYSICAL MAPS;
- D. EXTRACTS FROM SURVEY OF INDIA DIGITAL MAPS;
- E. EXTRACTS FROM SATELLITE IMAGERIES OF GOOGLE EARTH
CHRONOLOGICALLY PLACED FROM 2003 TILL 2021;
- F. SITE PICTURES FROM JOINT INSPECTION OF 1 JUNE 2021;

A1. OPENING STATEMENTS:

1- At the outset, I reject the Joint Committee report as the Joint Committee constitution itself was questioned by me during the first hearing in 2020 at NGT Chennai. It is a peculiar situation where complainant is told that she will receive justice from those whose acts of commissions and omissions she has challenged before the Tribunal, after repeated representations to respondents to resolve the grievance of restoration of Mamasani kunta and its hydrology, at puppulguda village, gandipet mandal, RR district, telangana. The apprehension expressed by Applicant is corroborated by the fact that JC is not trying to identify the structure and FTL boundary of the lake and action plan to restore it but is repeating itself in report after report that R9 is constructing in survey no. 286 and mamasani kunta is in survey no. 288. It is endorsing the act of diversion of the 6.35M width inflow channel that was flowing into the



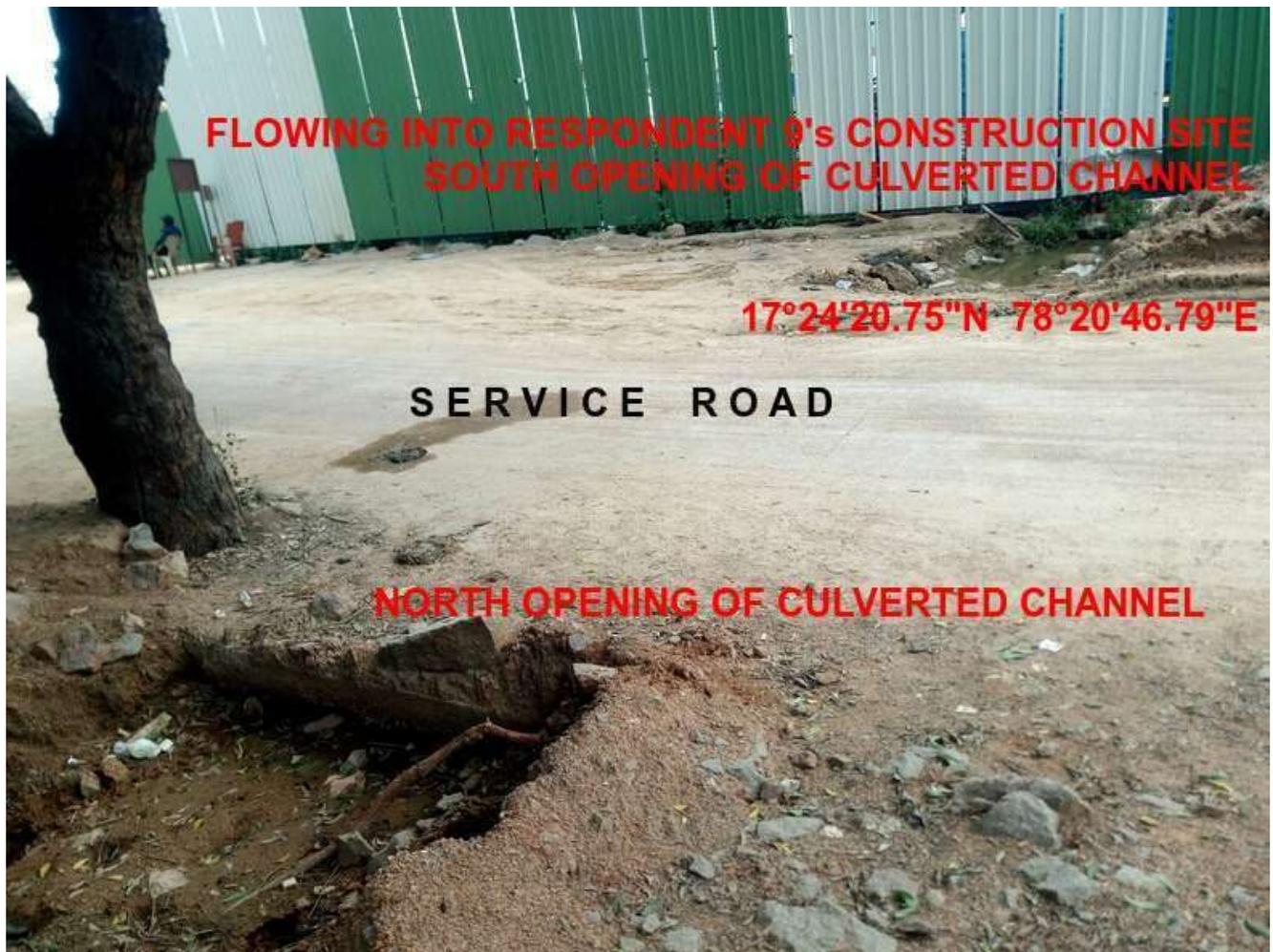
R9 site south of road. There is no independency of the Committee and no inclusion of stakeholders such as NGRI, Survey of India, NRSC, who are the technical power houses on terrain domain.

2- I submit that in light of the NGT orders and Joint Committee Reports it is necessary to note and be clear that the culvert is outside the R9 erected boundary to the north of the service road and it continues inside the R9 erected boundary to the south of road to Nemali nagar.

Hence, merely stating repeatedly by the Joint Committee (two of which are also the respondents) that 'culvert is observed adjacent to the property being developed by 9th respondent' is a glaring suppression of facts in utter disregard to the Tribunal.

'It is humbly submitted that there is a culvert adjacent to the property being developed by the 9 Respondent in Sy. No 286 of Poppalaguda village and as per the directions given by the TSIC, the 9 Respondent has carried out works for restoration of culvert and laid down the pipelines and constructed (10) precast catch basin chambers for free flow of water from culvert to nearby Nala known as Bulkapur Nala.'

Below we represent through pictures for clarity of the Tribunal and the IRO, MoEF, the geo position and ground position of the culvert mouth north and south of the Nemali nagar road.



Picture 1: North opening of culvert that is adjacent to R9 site and south opening of culvert that opens into R9 site

sel



Picture 2: South opening of culvert that opens into R9 site enclosed with sheets that were dented by MRO officials using JCB in October 2019 further to our representations



Picture 3: Culvert opening shot from inside the R9 site behind the sheets. Officials and R9 had travelled us along the inflow channel till the balkapur channel inside the R9 site.

sel

Hence, the mention only of the culvert opening to the north of the road adjacent to the R9 site and suppressing of the southern opening of the culvert inside the R9 site is perjury which should be avoided by the officials. Please also see the counter filed by the TSIC regarding extent of the site area of R9 for which EC has been granted and permissions given.

A. LOCATION OF CULVERT AS IDENTIFIED BY TSIC, R9, MRO, officials:



Picture 4: ABOVE PICTURE DOCUMENTATION RECD FROM TSIC 15NOV2019 WITH NARRATION OF TWO PICS ON RIGHT SIDE TAKEN FROM INSIDE R9 SITE SOUTH OF SERVICE ROAD, AND TWO PICS OF LEFT SIDE BEING CULVERT BEING EXCAVATED NORTH OF SERVICE ROAD

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Picture 5: 6.35M WIDE CULVERT INFLOW CHANNEL BEING EXCAVATED AND MEASURED BY RESPONDENTS INSIDE R9 SITE – PIC DATED 7 JAN 2020

TABLE 1: DIMENSIONS OF CULVERT AS MEASURED BY ENGINEERS OF TSIIC & PHOENIX ON 7 JAN 2020

NORTH OF CULVERT:				Width of culvert
	Left vent	Middle	Right vent	
Height Outside	.8m	.8m	.8m	
Height Inside	1.5ms at 2 points		1.1 ms	
Width	2.75ms	.8ms	2.75 ms	6.3m
SOUTH OF CULVERT:				
	Left vent	Middle	Right vent	
Height outside	1.3m	1.45m	1.4m	
Height inside	.5m		1m	
Width	2.63m	.8m	2.6m	6.03m
PIPELINE LAID TO DIVERT CULVERT				600MM DIA

sel



Picture 6: CONSTRUCTIONS RAISED BY R9 RIGHT IN FRONT OF THE EXCAVATED INFLOW CHANNEL /CULVERT INSIDE SITE OF R9

B. LOCATION OF MAMASANI KUNTA AS PER GO MS 375 DATED 15 SEP 2004:

1- As per GO Ms 375 dated 15 sep 2004 with subject line 'Hyderabad Urban Development Authority, Hyderabad - Change of Land Use in Survey No.286 (Part) of Poppalguda Village, Rajendranagar Manda!, Ranga Reddy District to an extent of Acres 13-18 Guntas from partly Recreational and partly Conservation use zone to Residential use zone and deletion of proposed 30 Meters wide road - Draft Variation - Confirmed - Orders- Issued.', the schedule of boundaries is as under:

'Schedule of boundaries:

North : Survey Nos.314 and 315 of Poppalguda Village Hillock area.

South : Survey No.285 of Poppalguda Village, Waterbody area.

East: : Survey Nos.283 to 284 of Poppalguda Village vacant land.

West: Survey No.287 of Poppalguda Village vacant land and Survey No.288 of Poppalguda Village, water bodies area.'

2- As per document 'All notings on File No. 000041477/ MAU/1/2004(2028)' pertaining to GO Ms 375 dated 15 sep 2004 ', it is mentioned at multiple places of the buffer zone for the tank to the west of Ramoji enclave layout that is 100 feet away from layout in sy no. 286 as follows:

sel

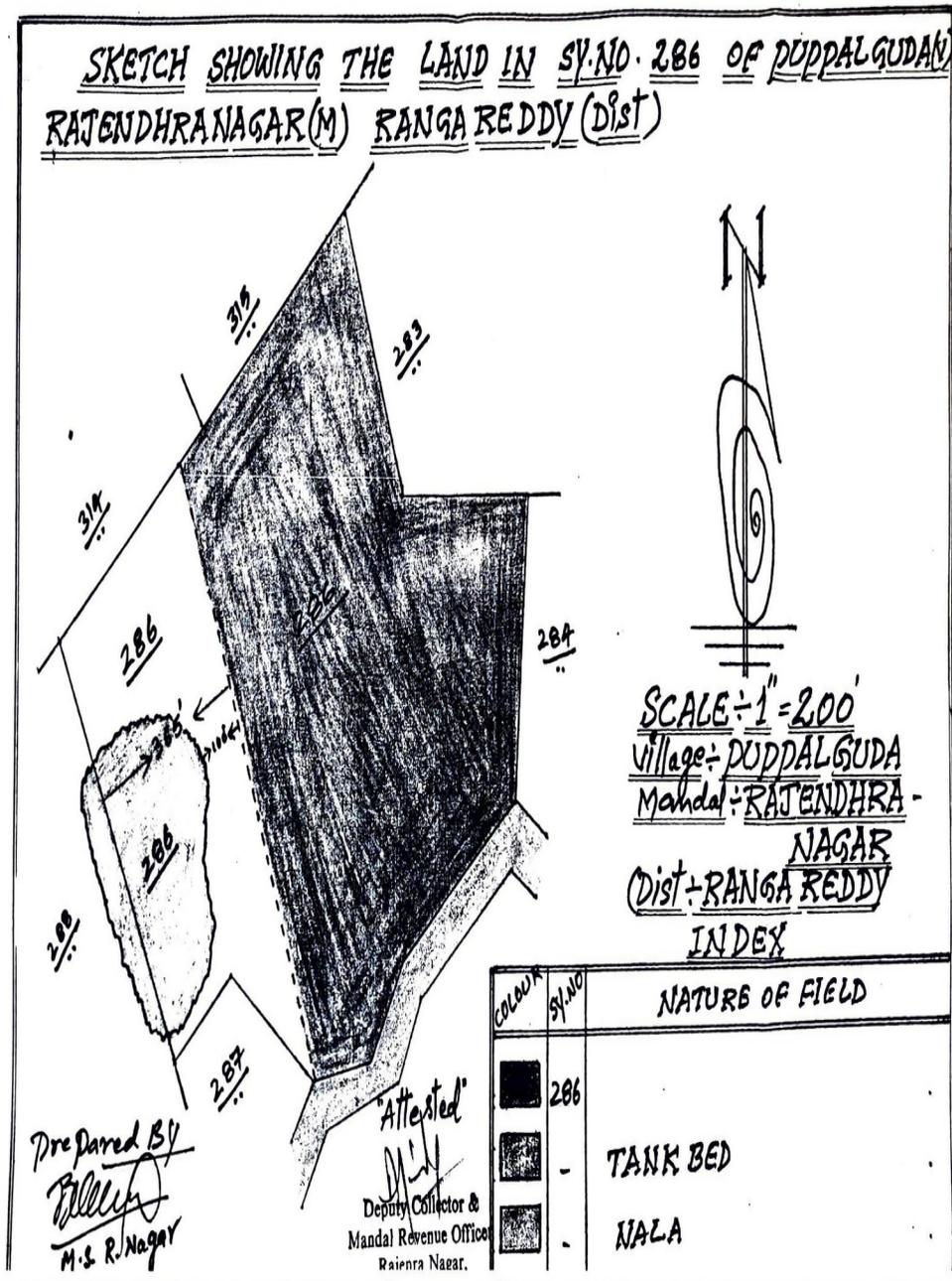
a) At page 1 of the Notings, it states as follows: 'The VC HUDA has recommended the change of land use subject to eaving 30.00 mtrs wide buffer zone along the boundary of the water body and nala, and surrounded by residential plotted developments and vacant lands.'

b) Further, at page 1 of the Notings, it states as follows: 'HUDA has submitted proposal for change of land use in Sy.No;.286(P), Poppalaguda(V) Rajendranagar(M) from partly recreational use and partly conservation use zone to; Residential use zone to an extent of 13.18gts.and recommended the proposal subject to; condition that leaving 30 mts. wide buffer zone along the boundary of the waterbody and nala and surrounded by Residential plotted developments . and vacant lands.'

c) At page 2 of the Notings tank to the left of layout in survey no. 286 is once again mentioned as follows: 'The applicant once again represented while enclosing a plan showing the boundaries of Sy No 286 (P) which is to an extent of Ac 13-18 gts duly attested by the Deputy Collector & MRO, Rajendranagar, RR District. Basing on the boundary plan the site has been inspected, it is observed on the ground that the existing tank on western side is 100 feet (30 Mt) away from the boundary. Hence the Green Belt of 30 Mtrs around the Tank is not affected in the site under reference. '

d) At subsequent page of Notings it is stated as follows 'Discussed with OSD . Please see the observations of Commissioner Industries. In this regard it is submitted that as per the remarks furnished by V.C.HUDA the site proposed for change of land use is 100 feet away from the tank which is located on the western side of the above site'

e) Below is map issued by MRO office demarcating the location of water bodies in survey no. 286. Further it also corroborates the submission of respondents the location of water body in sy no. 288. Further, location of water body in Survey no. 285 is also mentioned where in R9 is constructing and obtained EC and permissions as per TSIC counter filed in this case.



Picture 7: 'SKETCH SHOWING THE LAND IN SY NO. 286 OF PUPPALGUDA(V) RAJENDHRA NAGAR(M) RANGA REDDY (DIST)'

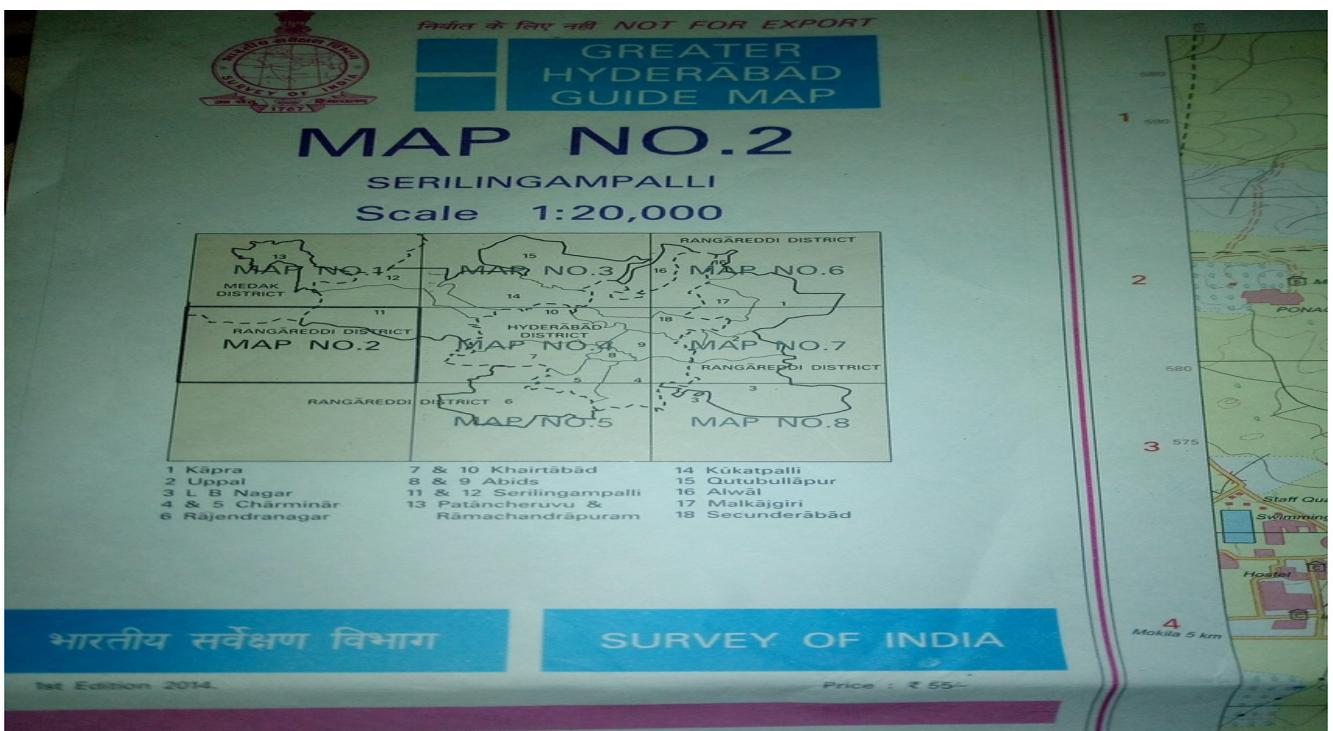
[Handwritten mark]

C. EXTRACTS FROM SURVEY OF INDIA PHYSICAL MAPS:

1- The culvert to the north and south on the Road to Nemali nagar is demarcated in the Survey of India GHMC map of 2014 in Map no. 2 as follows:

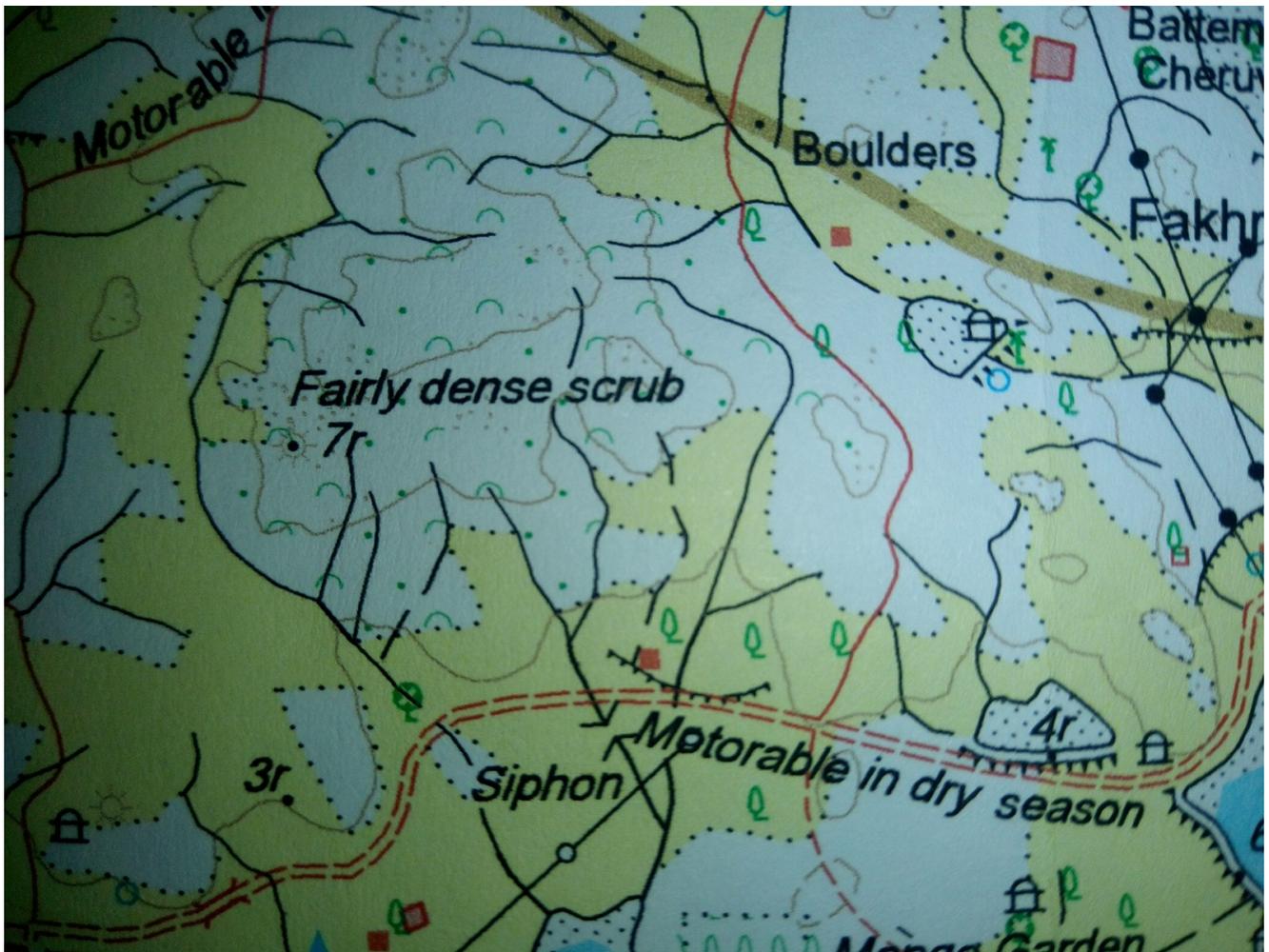


Picture no. 8: Extract from Survey of India 2014 GHMC map demarcating the inflow channel, and the culvert to the north and south of the Nemali nagar road, flowing thru the now enclosed site of R9. Bund of water body in survey no. 285 is also demarcated.

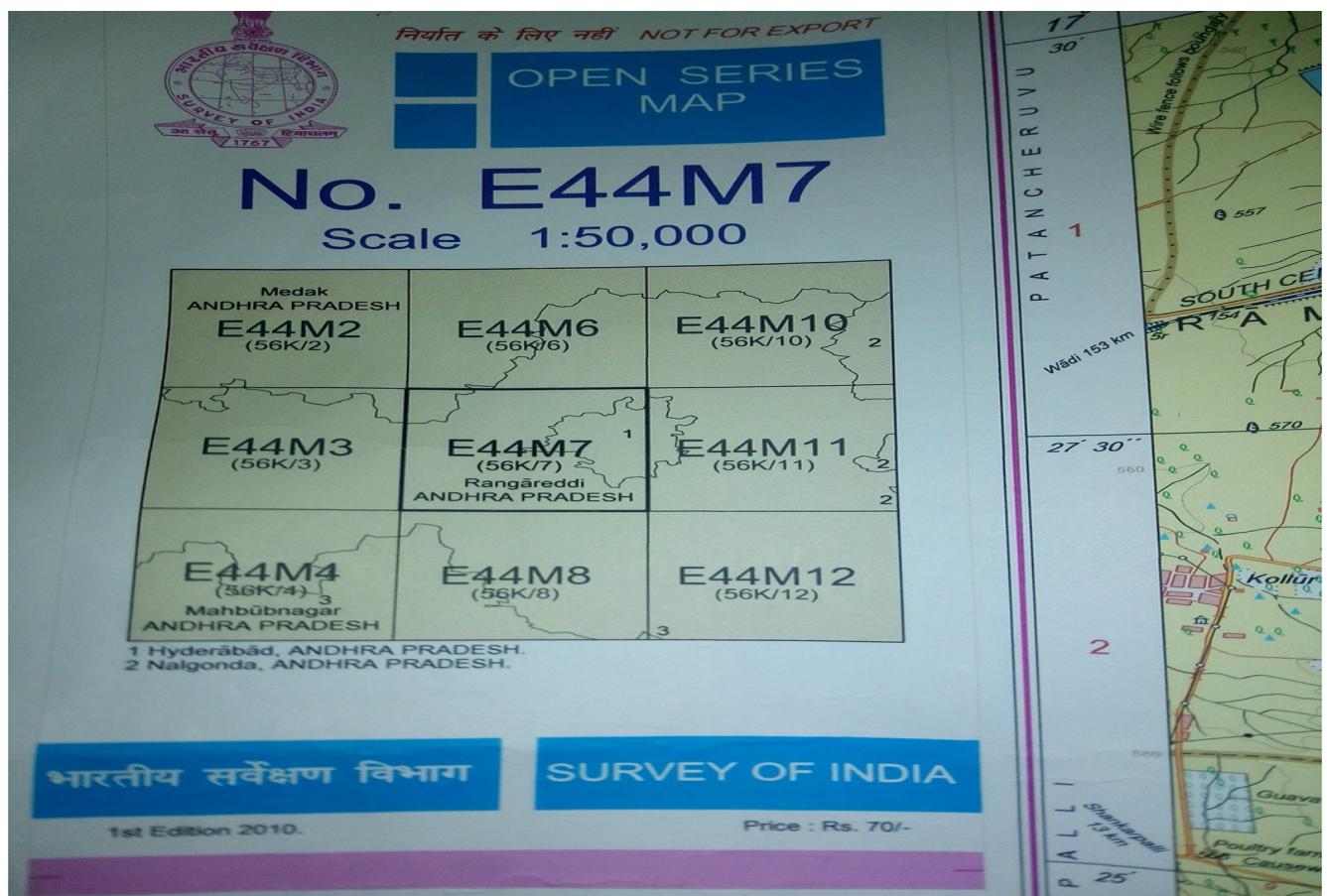


Picture no. 9: Title of map from which Picture no. 8 was extracted viz., Greater Hyderabad Guide Map scale 1:20,000, from which picture no. 8 is extracted

2- Further, R9 site area, on the inflow channels and water body demarcated in as per Survey of India Open Series Map no. E44M7 of year 2010 scale 1:50,000



Picture 10: Extract of Survey of India Open Series Map no. E44M7 of year 2010 scale 1:50,000, displaying R9 site area on inflow channels and water body



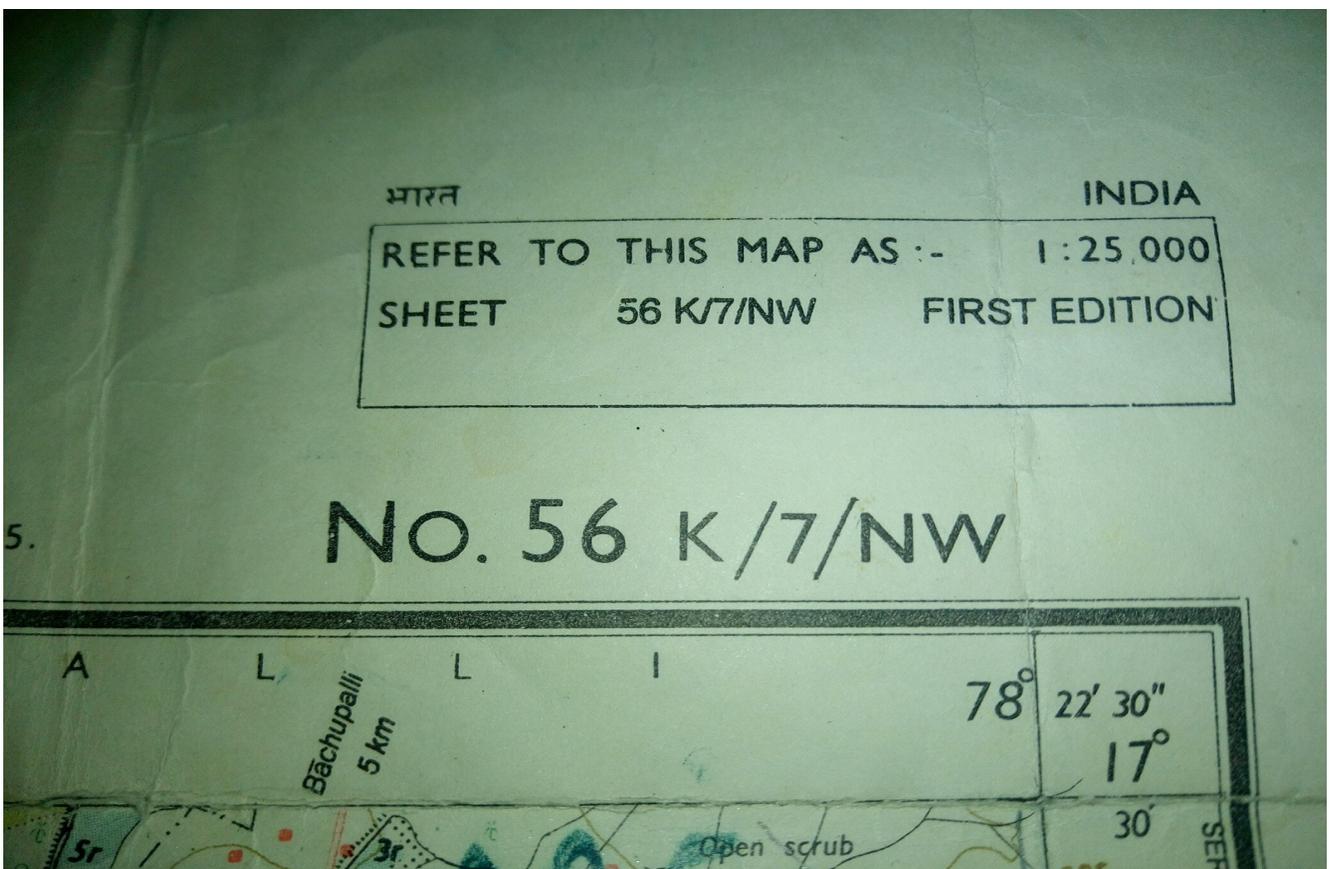
Picture 11: Title of map is Open Series Map no. E44M7 scale 1:50,000 of year 2010, from which picture 10 is extracted

sk

3- Further, R9 site area, is also observed on the inflow channels and water body demarcated in as per Survey of India sheet 56/K/7/NW scale 1:25,000 of year 1996-97



Picture 12: Extract of Survey of India sheet 56/K/7/NW scale 1:25,000 of year 1996-97 with inflow channels and water bodies demarcated



Picture 13: Title of survey of India map is sheet No. 56/K/7/NW scale 1:25,000 of year 1996-97 from which Picture 12 is extracted

D. EXTRACT FROM SURVEY OF INDIA DIGITAL MAPS:



Picture 14: Extract from Survey of India topomap layer overlaid on google earth displays R9 construction site in inflow channels, water bodies

E. EXTRACTS FROM SATELLITE IMAGERIES OF GOOGLE EARTH CHRONOLOGICALLY PLACED FROM 2003 TILL 2021 DEMARCATING APPROXIMATE WATER SPREAD OF MAMASANI KUNTA:

[file attached]

F. SITE PICTURES FROM JOINT INSPECTION OF 1 JUNE 2021;



Picture 15: North of road to nemali nagar , partly excavated culvert and dumped channel, adjacent to r9 site , during joint inspection of 1 june 2021

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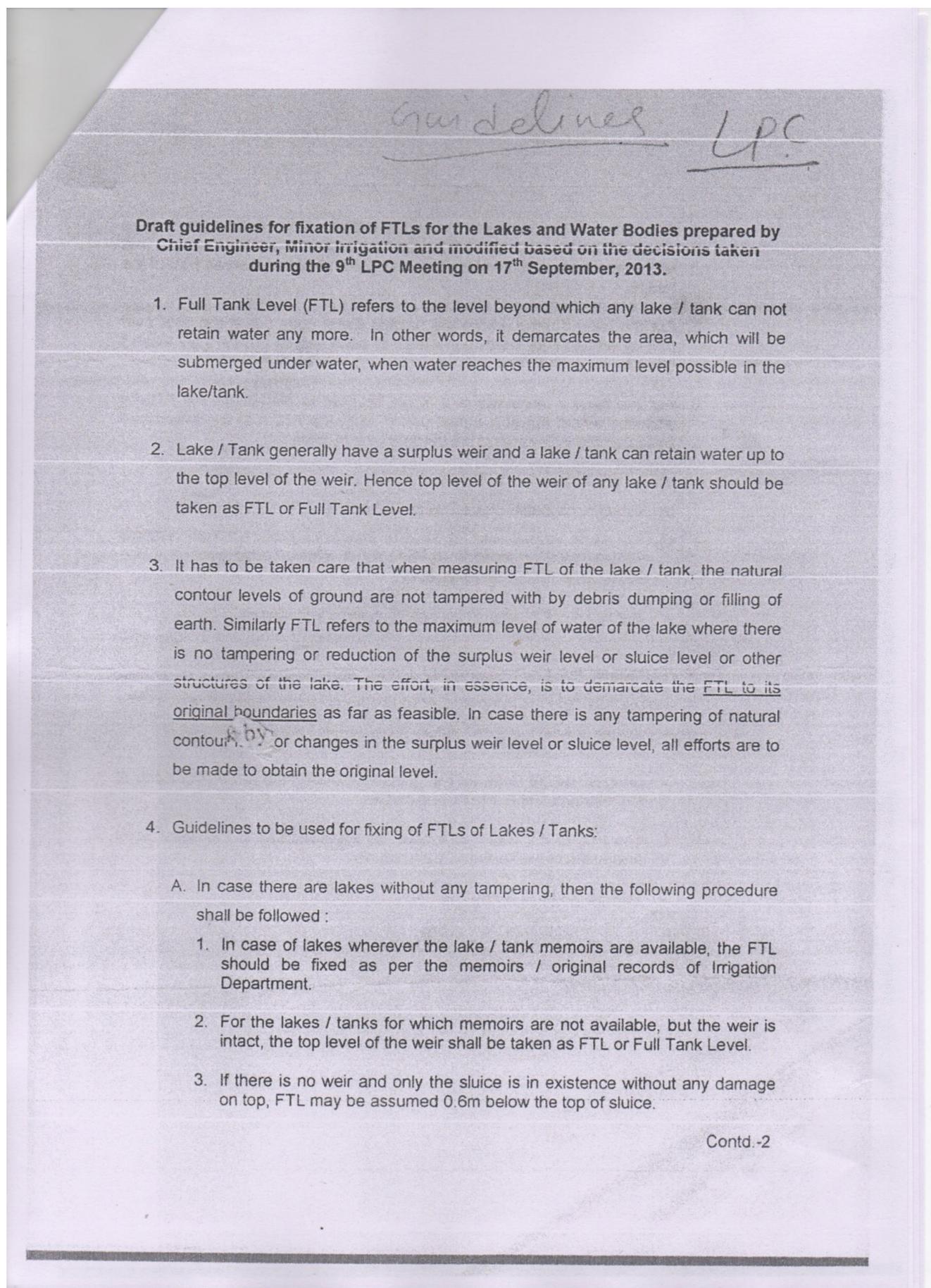
Picture 16: South of road to nemali nagar, opening of culvert at picture 15 leads into the sheet enclosed site area of R9. Joint committee did not show the culvert that was dug out as shown at pictures 4, 5, 6 above.



Picture 17: This is the pipe laid by R9 as told by officials that is leading further into the R9 site area as observed on 1june2021 during joint inspection.

set

G. DRAFT GUIDELINES FOR FIXATION OF FTLs FOR THE LAKES AND WATER BODIES PREPARED BY CHIEF ENGINEER, MINOR IRRIGATION AND MODIFIED BASED ON DECISIONS TAKEN DURING THE 9TH LAKE PROTECTION COMMITTEE MEETING ON 17TH SEPTEMBER, 2013:



- 2 -

4. For the lakes / tanks where the weir and sluice are not existing but pipes are provided to discharge the surplus water, the sill level of the pipe, that is the level from which water starts going out shall be taken as FTL of the tank.
 5. For the lakes / tanks where the surplus water goes out of the tank over natural ground (By wash), the level of such natural ground (By wash) shall be taken as FTL.
 6. For the lakes / tanks where it is not feasible to demarcate the FTL by adopting any of the above methods (1 to 5) the FTL may be determined based on the information from the following records :
 - a) Survey of India Topo Sheets
 - b) Revenue cadastral maps / revenue records
 - c) The water spread area of satellite imageries procured from National Remote Sensing Agency (NRSA) for 3 different time periods (Time series data-1990, 2000 and 2012).
 - The fixing of FTL should be based on logic and reason.
- B. In case where there is suspected tampering of natural contour, or tampering of surplus weir level or tampering of sluice level or tampering of lake in any other manner, the following procedure should be followed :
1. Analysis will be done as per guidelines mentioned in 4(A) for each of the methods 1 to 6, mentioned above.
 2. The FTL of the lake / tank shall be the maximum of the water level arising out of the methods 1 to 6 above.
- The fixing of FTL should be based on logic and reason.

H. PRAYER:

In light of the Survey of India maps from 1996 till 2014, in light of the GO Ms 375 dated 15 sep 2004, in light of historical satellite imageries from 2003 to 2020, in light of digital topomaps overlaid on google earth, in light of ground images of 6.35M culvert excavated by Respondents in R9's site, it is demonstrated and substantiated that the existence of mamasani kunta, is being overridden by the respondents.

Further in light of the draft guidelines at item G, it is demonstrated and substantiated, that officials have not acted in good faith, and thru their omissions and commissions have allowed water bodies in survey no. 286, survey no. 288 and sy no. 285 to be destroyed and overridden, instead of restoration of water body as mandated by Supreme Court Orders and Constitution of India

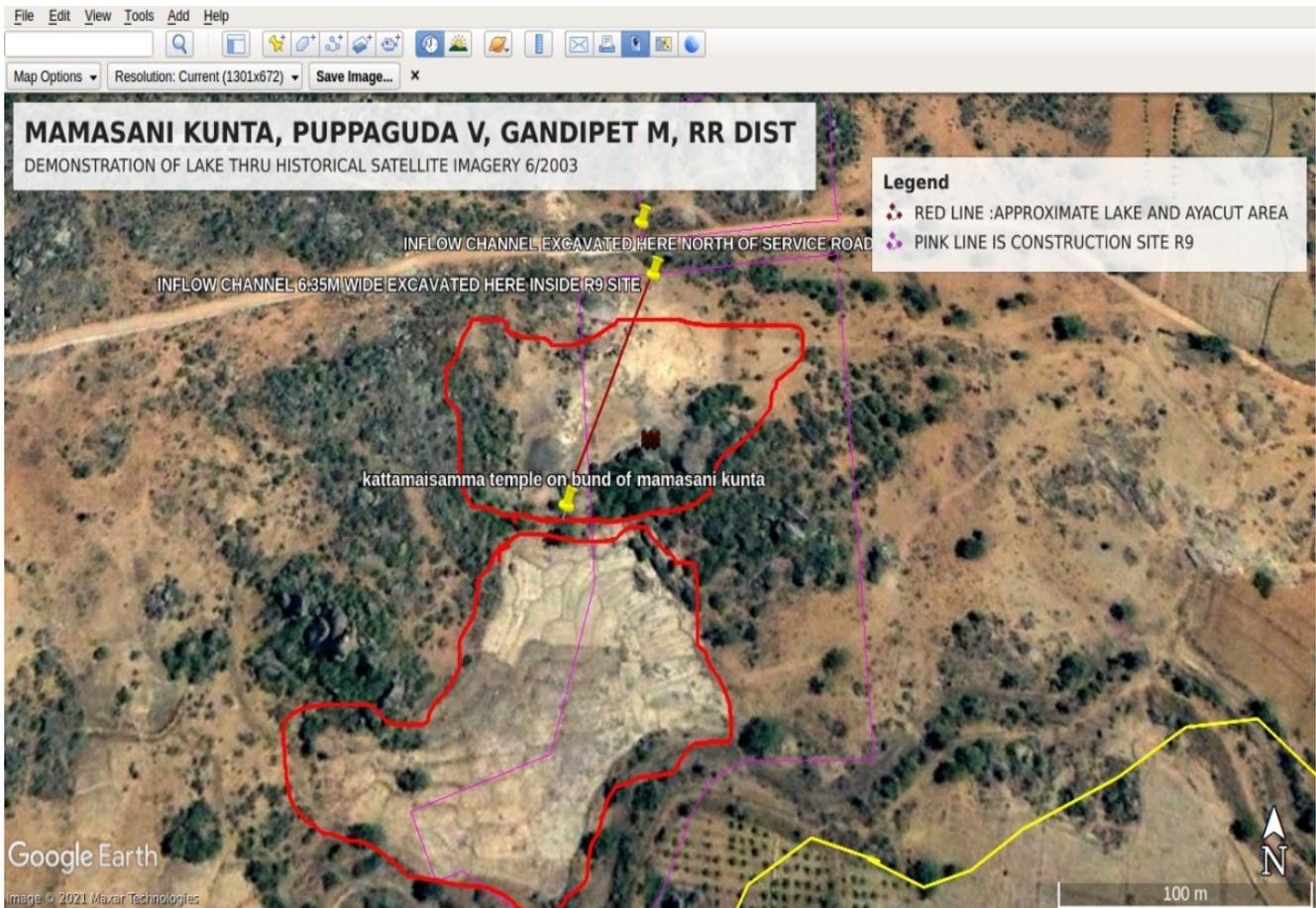
All the respondents who have been found guilty of malafide may be proceeded against; and ,all clearances and permissions may be cancelled immediately; and, all constructions be ordered to be halted immediately.

Thus, we urge for immediate restoration of Mamasani kunta its hydrology to the extent that has been identified as per official documents in survey no. 286 and survey no. 288.

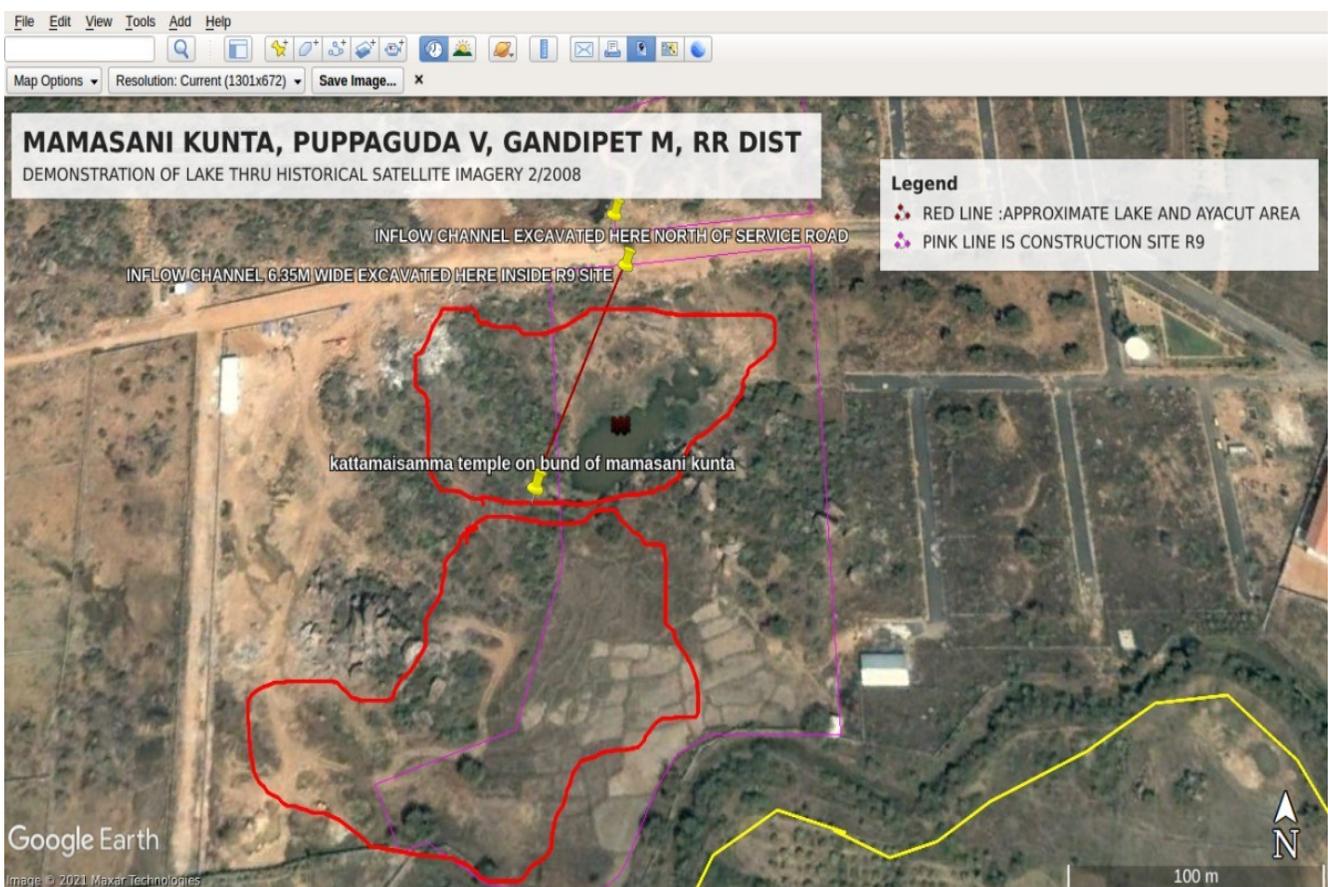
Best
dr lubna sarwath
Applicant in OA 39/2020 at NGT SZ Chennai



**E. EXTRACTS FROM SATELLITE IMAGERIES OF GOOGLE EARTH
CHRONOLOGICALLY PLACED FROM 2003 TILL 2021 DEMARCATING
APPROXIMATE WATER SPREAD OF MAMASANI KUNTA:**

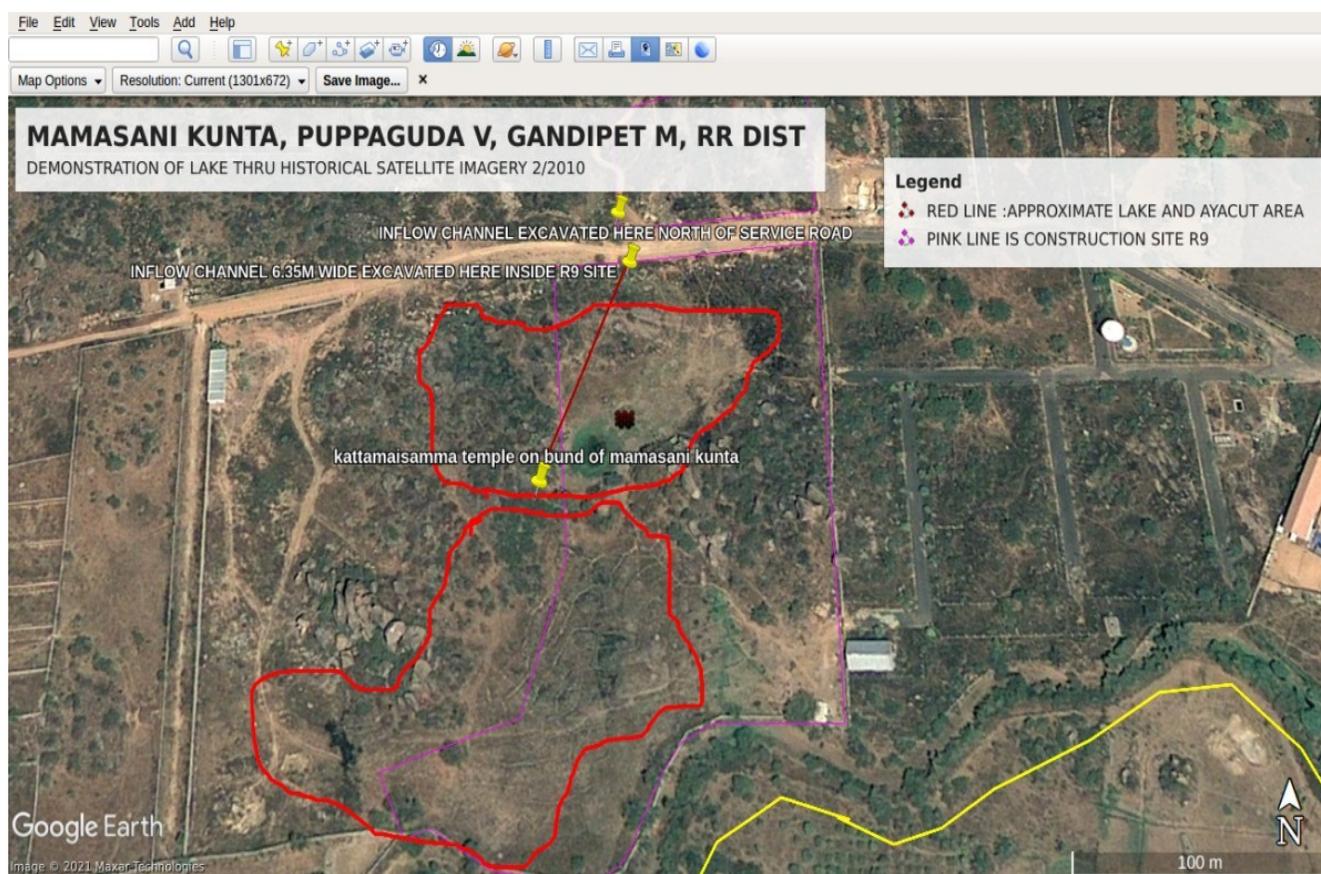


Picture 1: Historical satellite imagery from google earth of june 2003

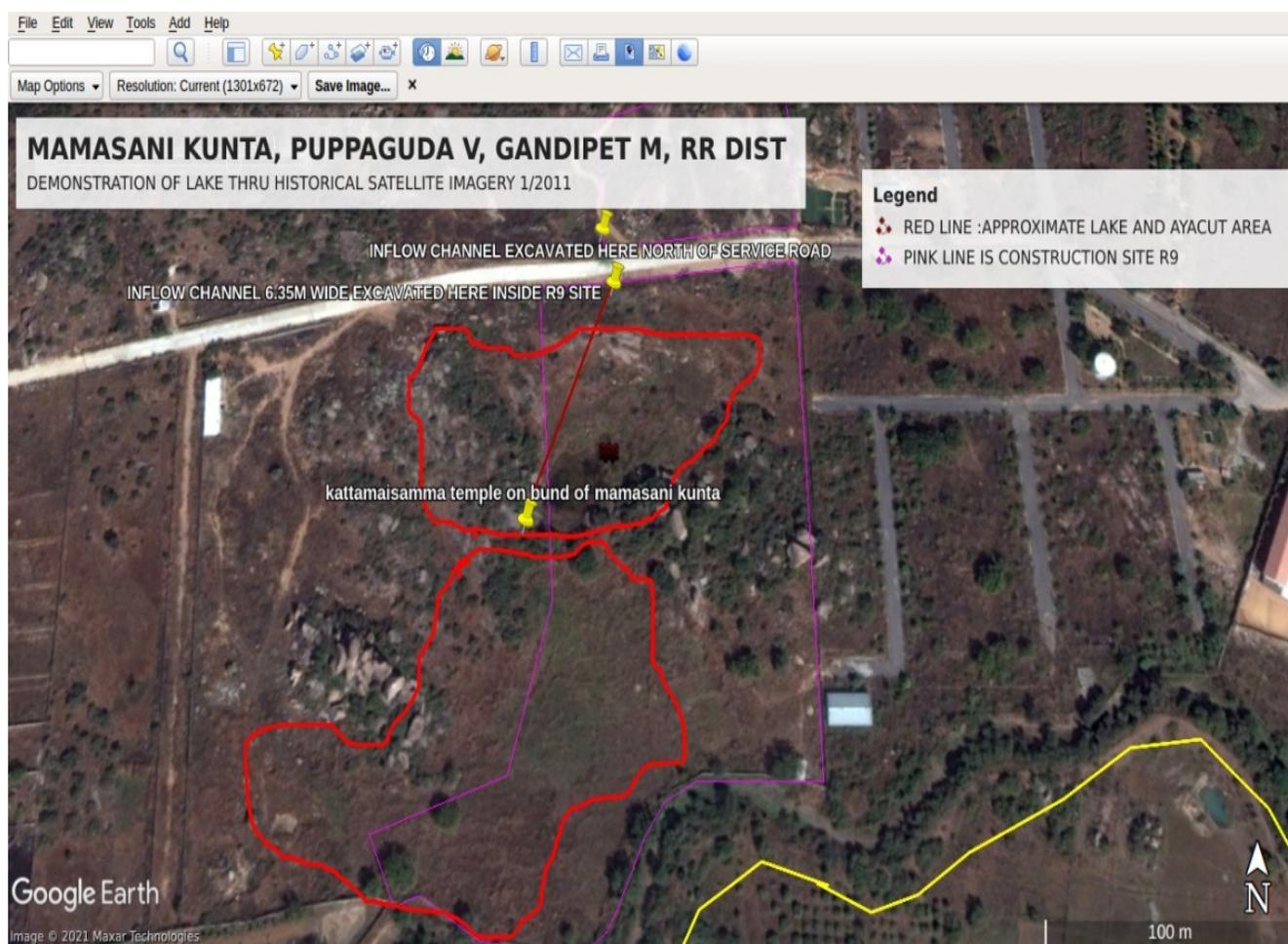


Picture 2: Historical satellite imagery from google earth of February 2008

sch

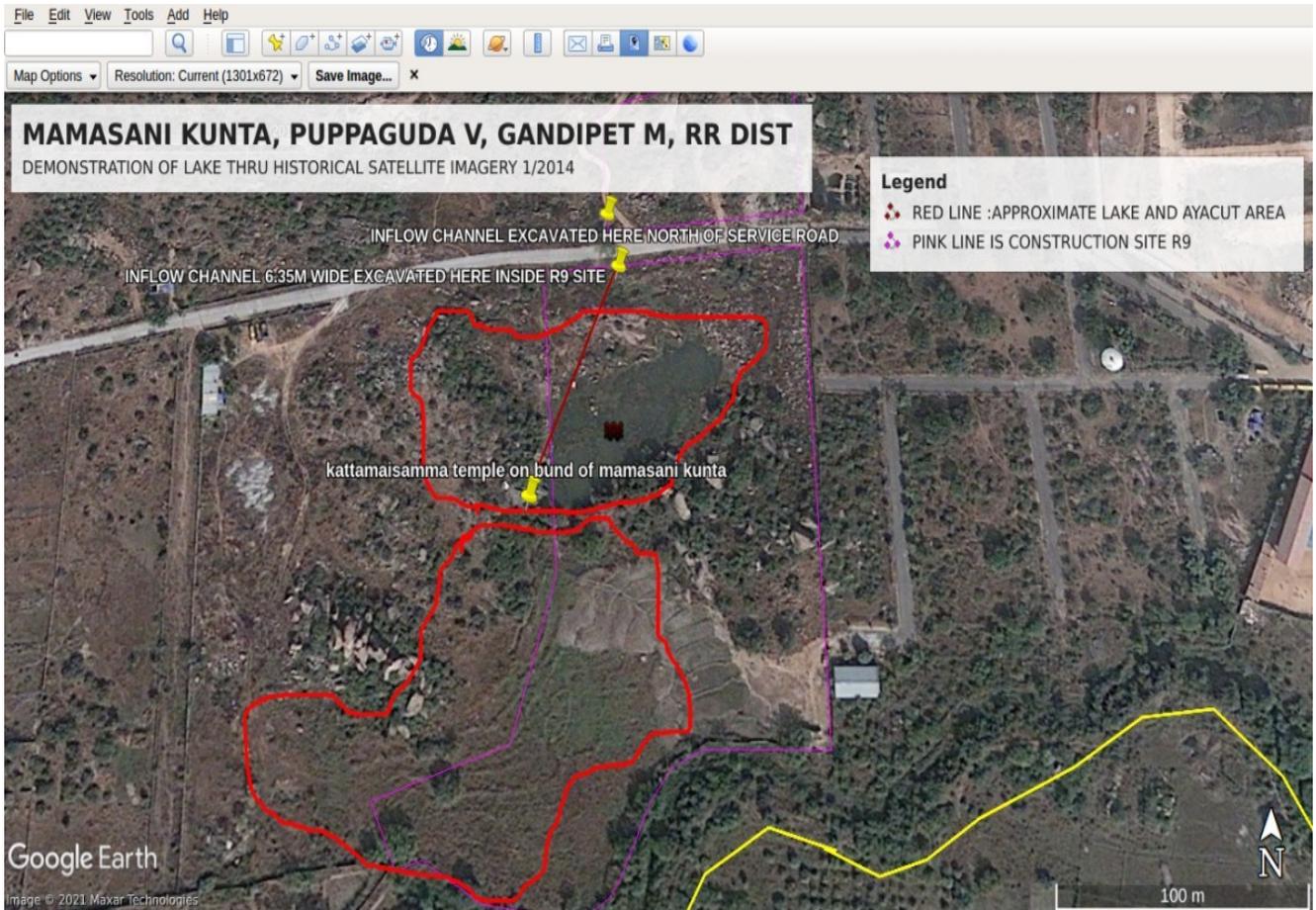


Picture 3: Historical satellite imagery from google earth of February 2010

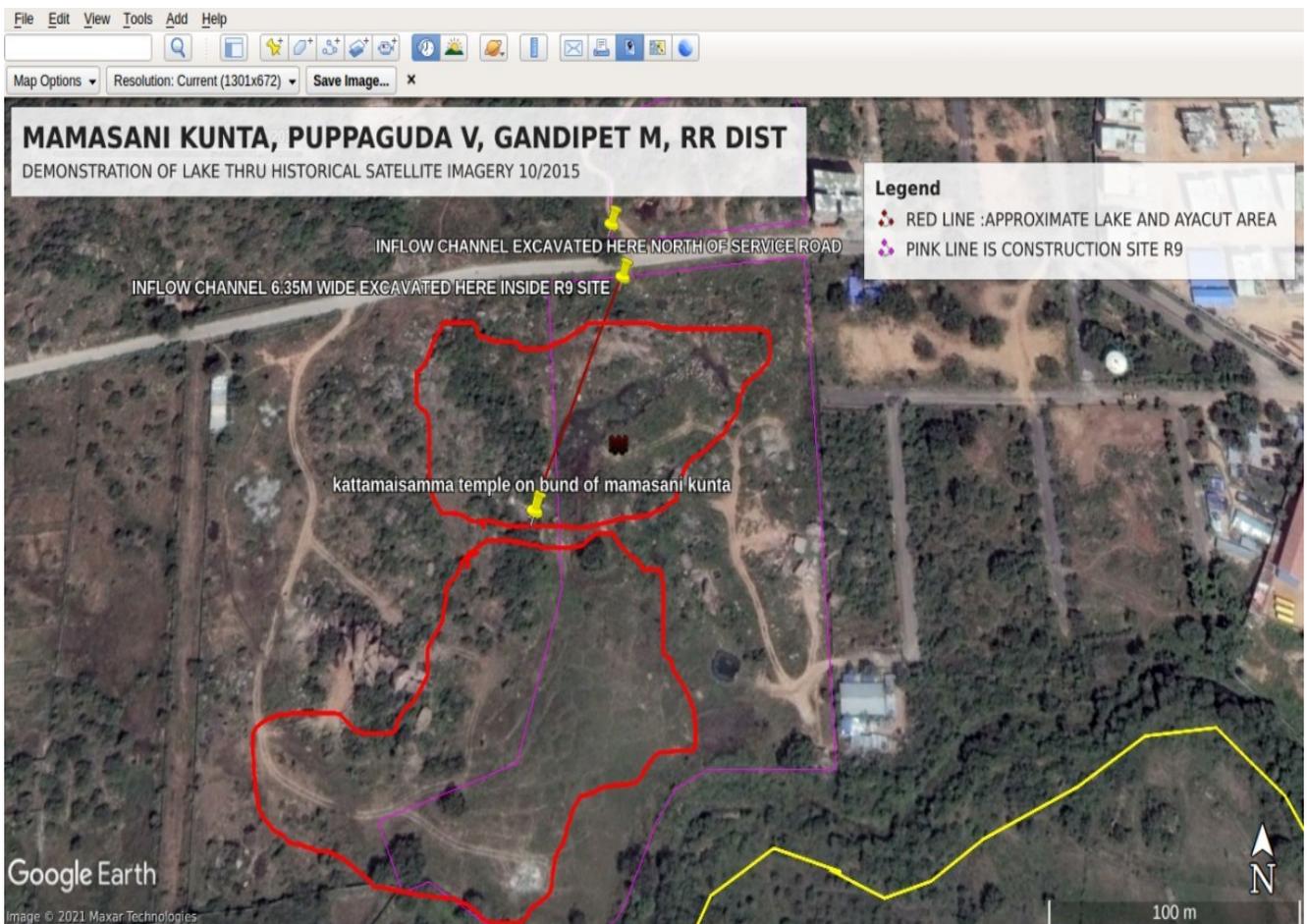


Picture 4: Historical satellite imagery from google earth of January 2011

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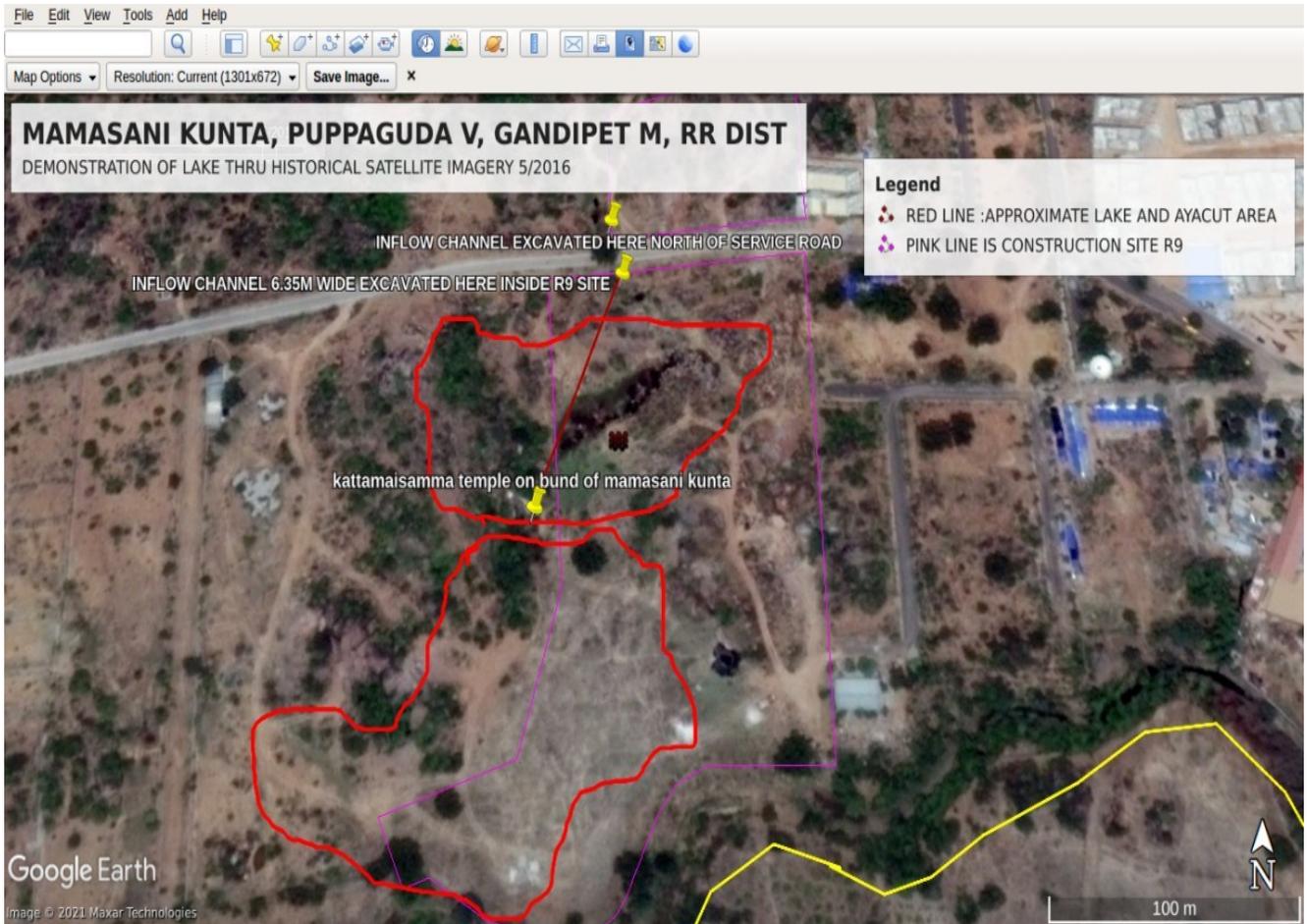


Picture 5: Historical satellite imagery from google earth of January 2014

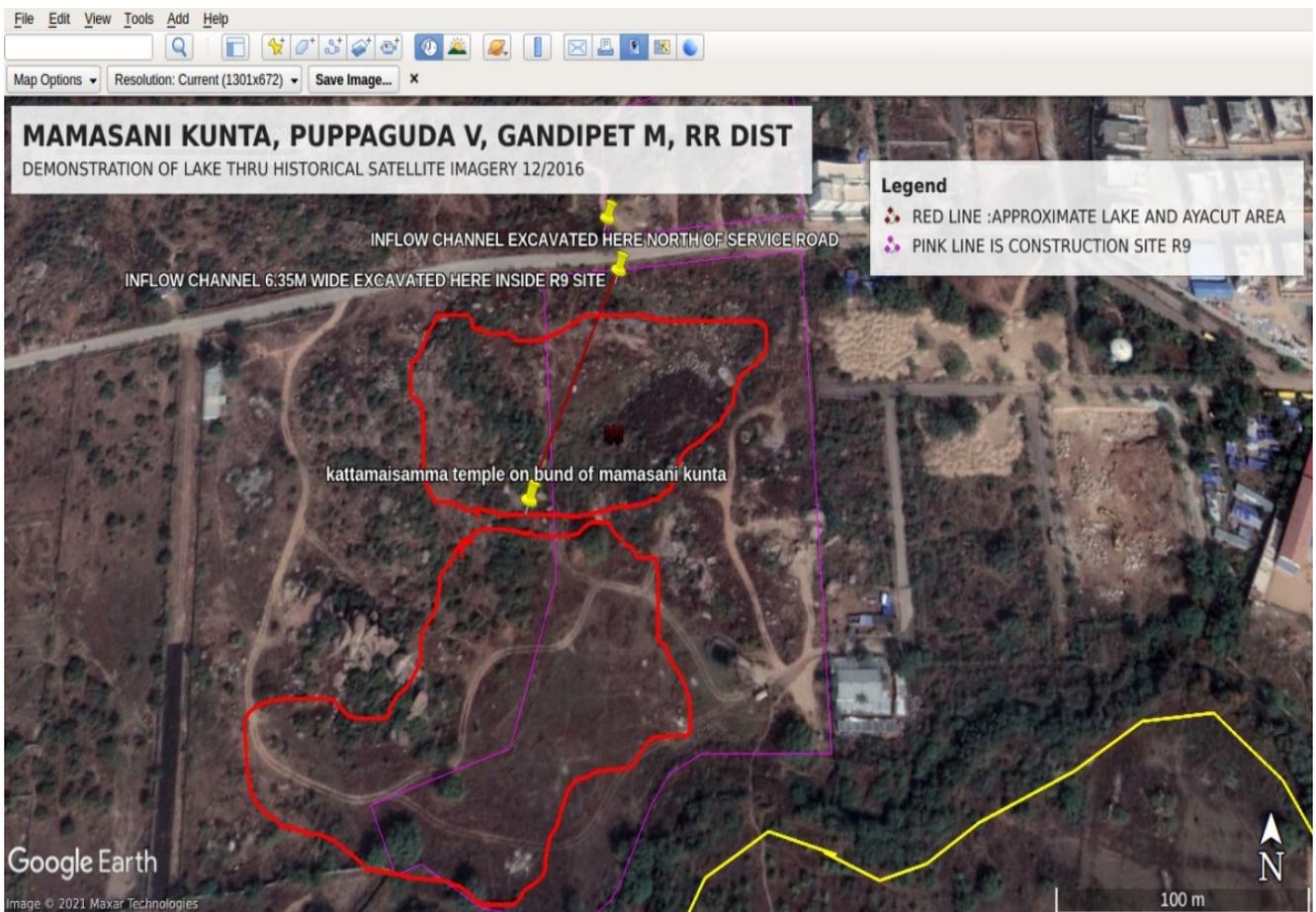


Picture 6: Historical satellite imagery from google earth of October 2015

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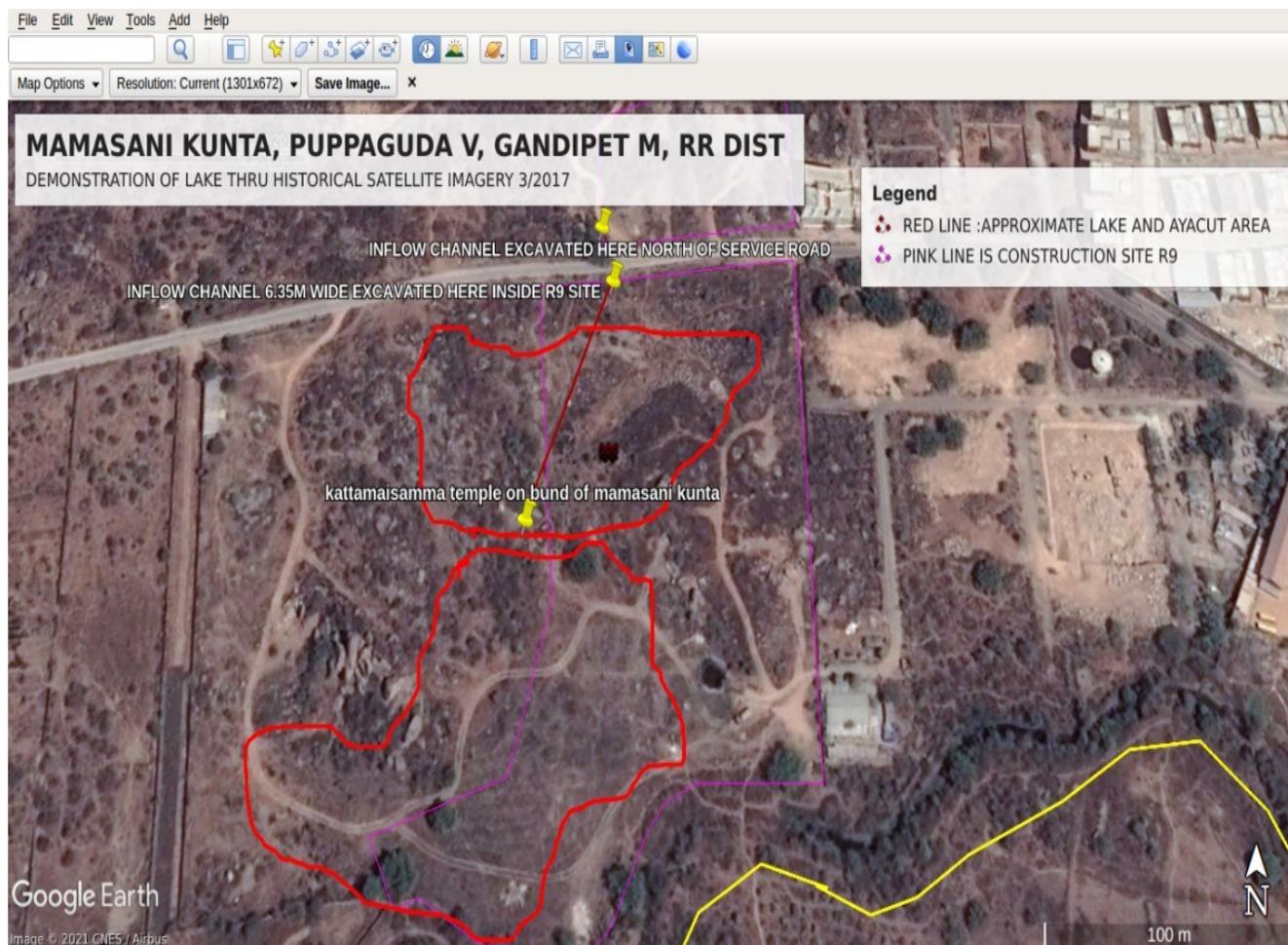


Picture 7: Historical satellite imagery from google earth of May 2016

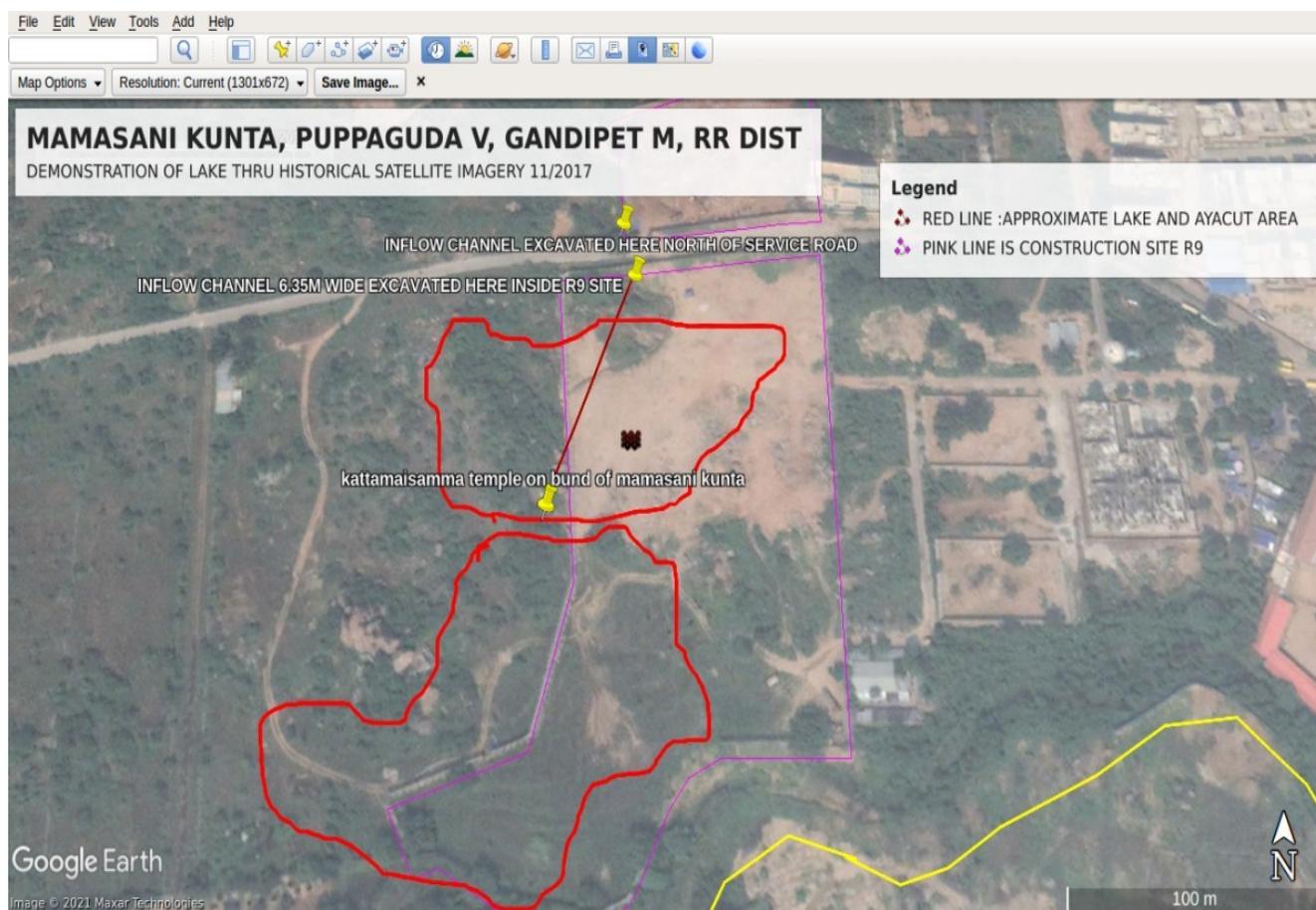


Picture 8: Historical satellite imagery from google earth of December 2016

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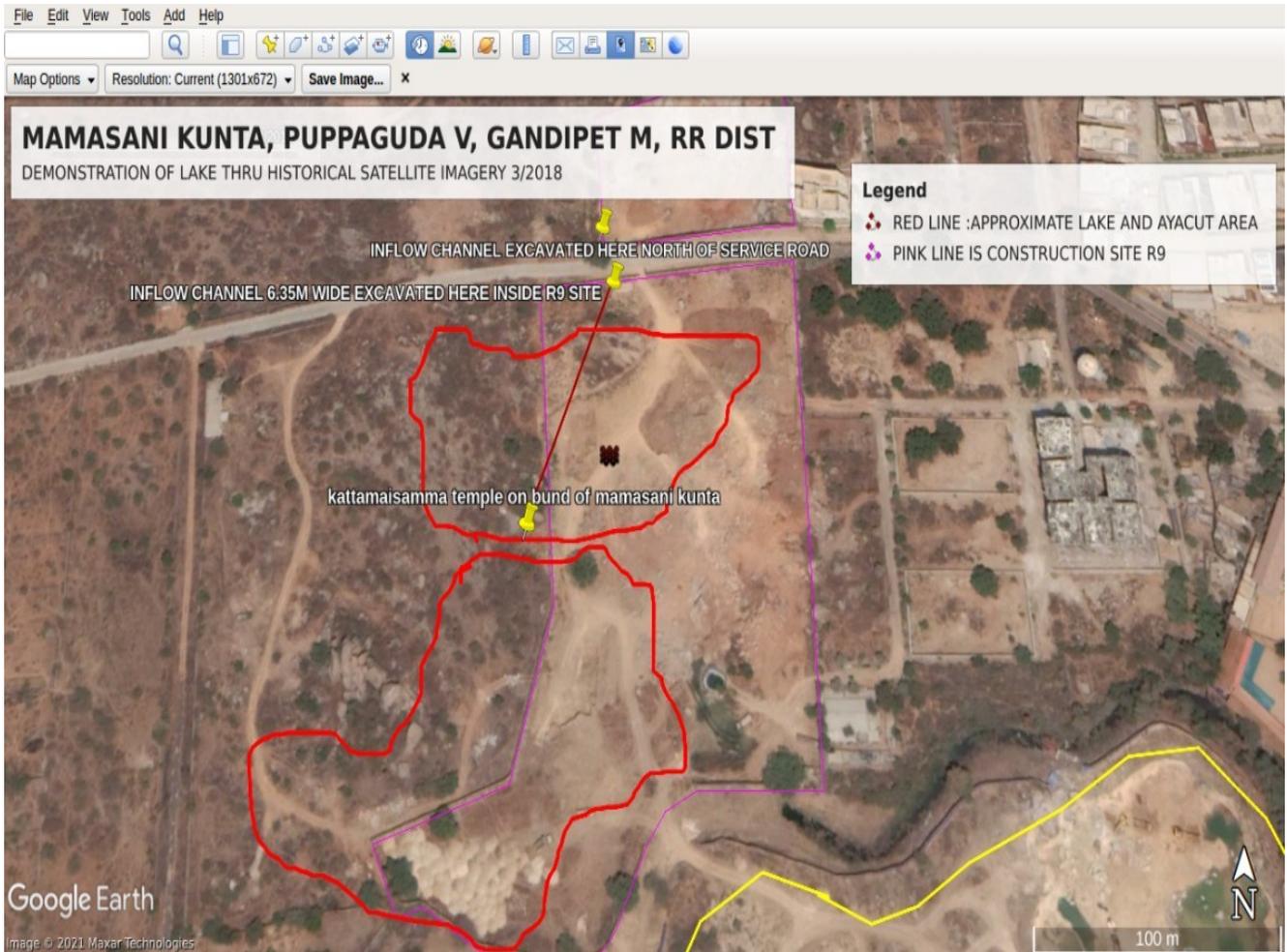


Picture 9: Historical satellite imagery from google earth of March 2017

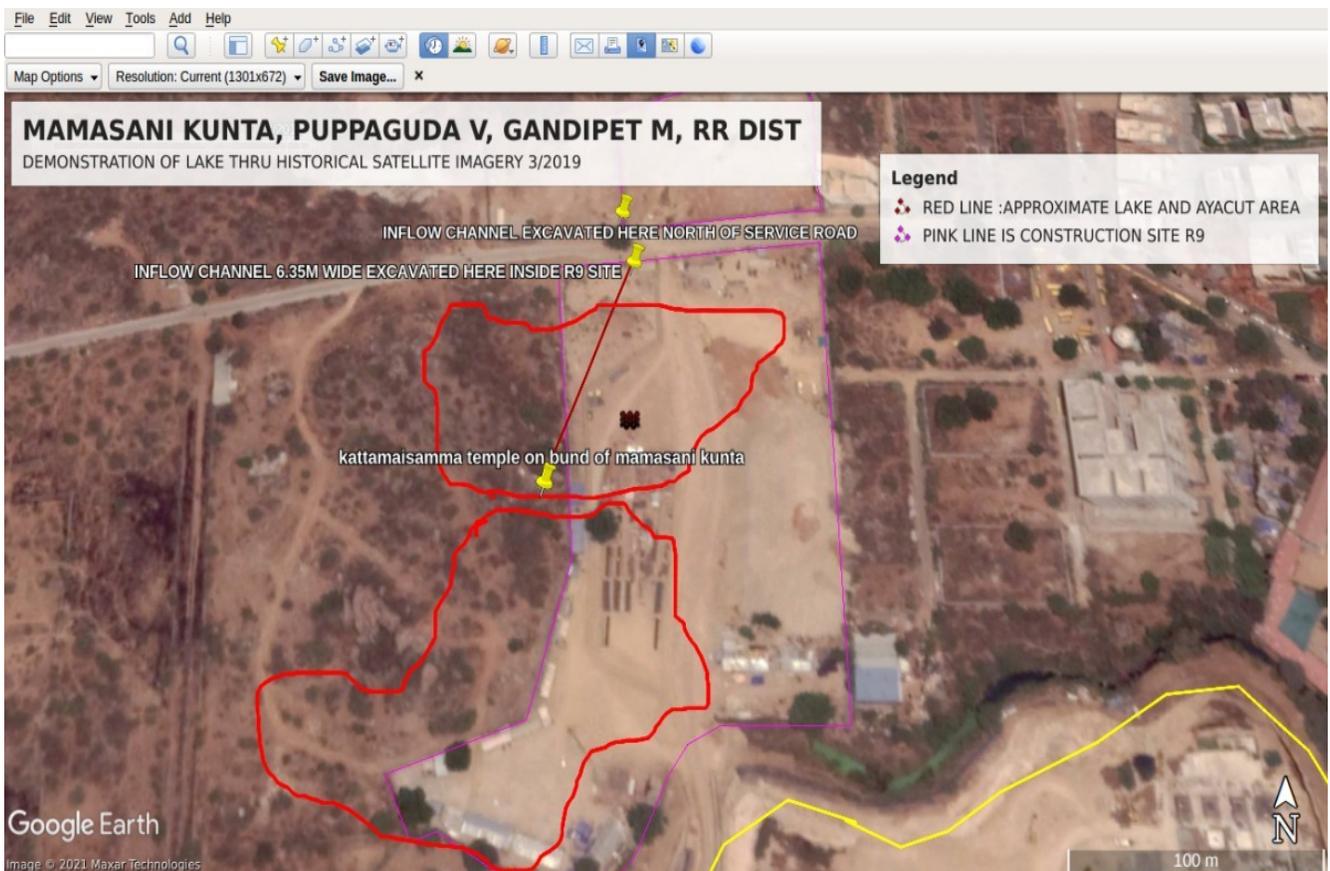


Picture 10: Historical satellite imagery from google earth of November 2017

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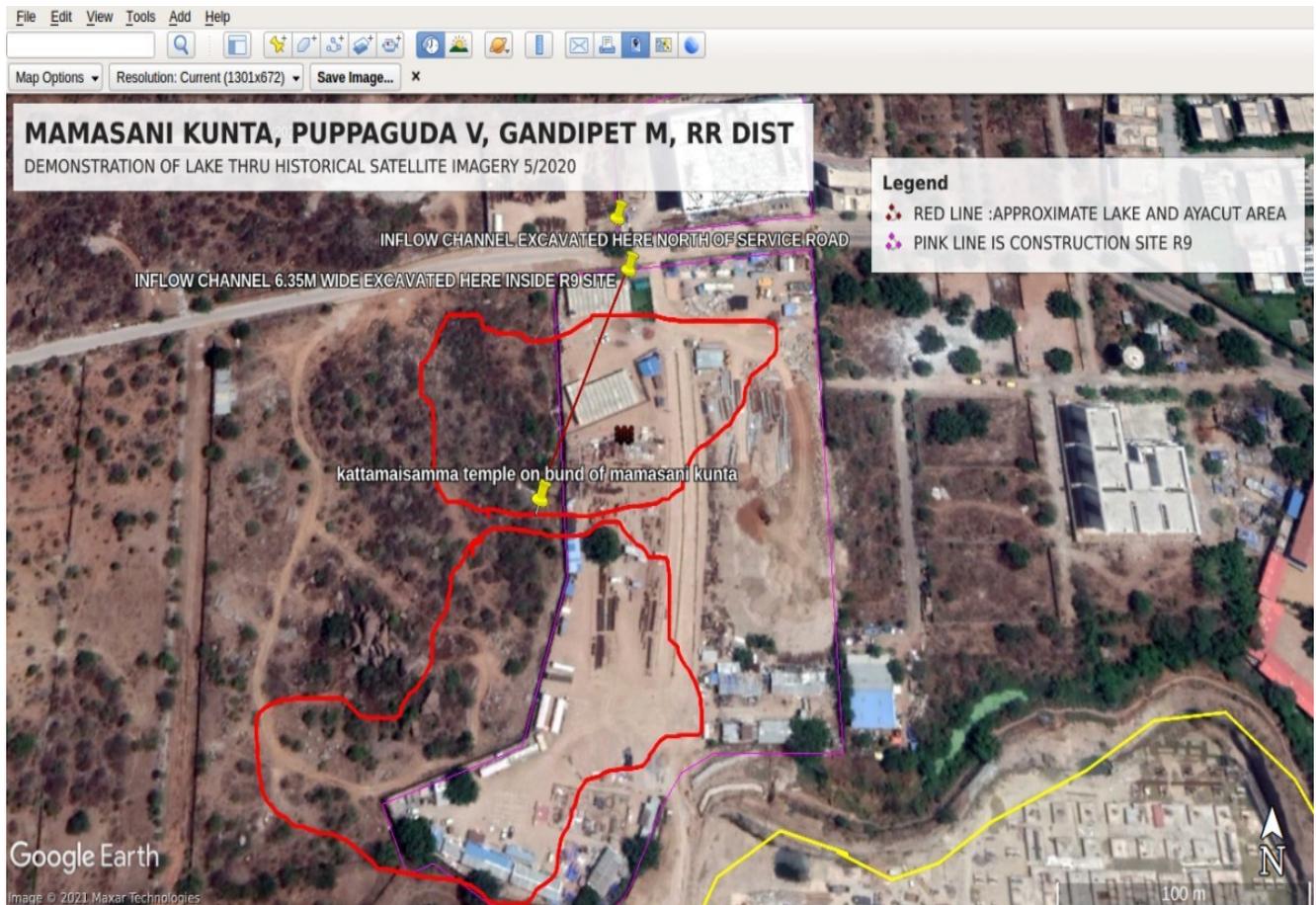


Picture 11: Historical satellite imagery from google earth of March 2018

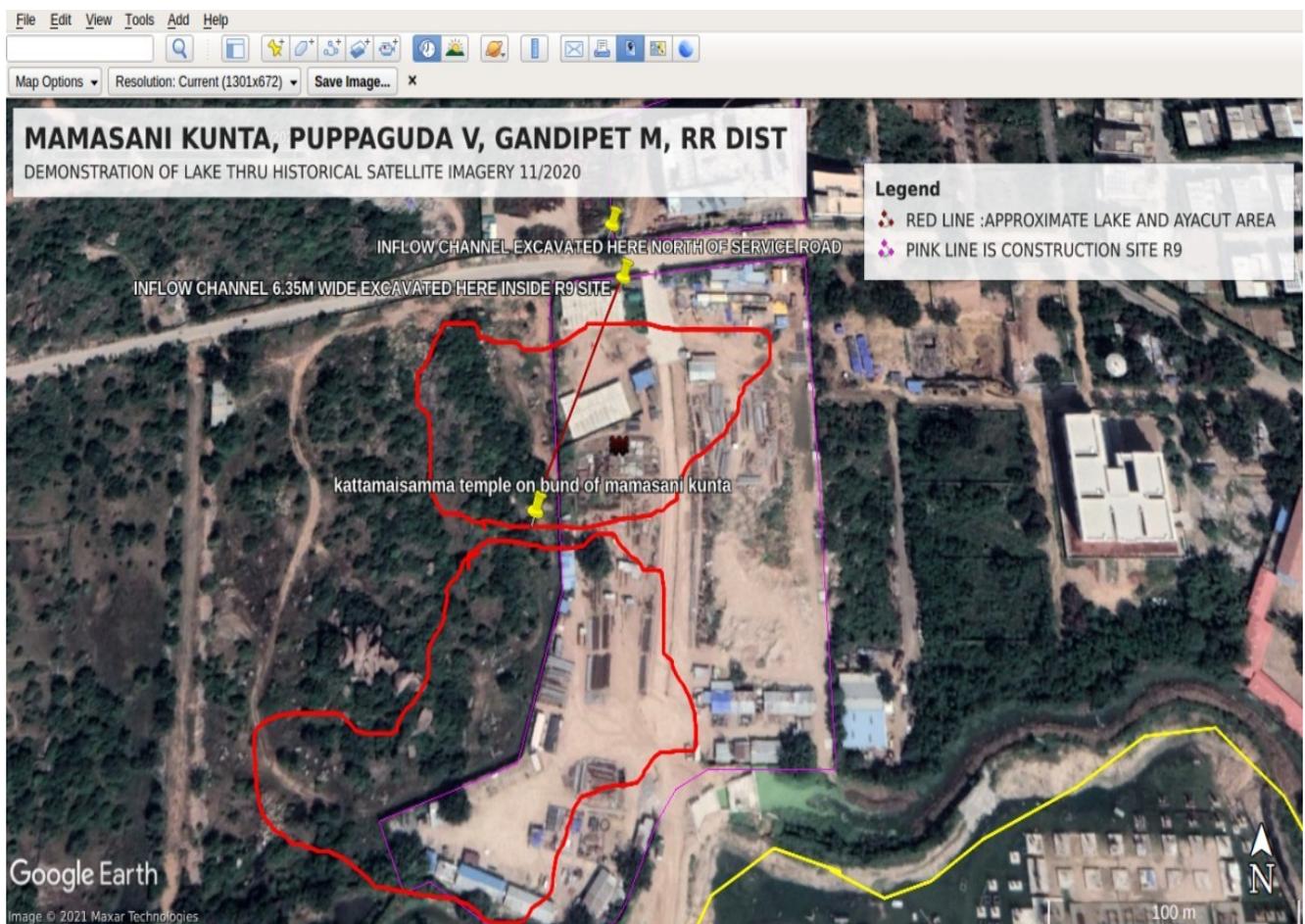


Picture 12: Historical satellite imagery from google earth of March 2019

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Picture 13: Historical satellite imagery from google earth of May 2020



Picture 14: Historical satellite imagery from google earth of November 2020

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Submission:

From the above 14 historical satellite imageries of google earth from 2003 to 2020, it is demonstrated and substantiated that the water body mamasani kunta was full of water and the hillock itself served as a bund/weir and the extent is fairly large. Presence of water body between hillocks is quite evident coupled with the katta(tank bund) maisamma that is traditionally found on all bunds of the tanks in the district/state.

The pounding of rocks, disturbing the lake contours seems to have begun around 2014 and the lakes though notified in revenue maps and in survey of india maps are not mentioned in the EC applications and information suppressed and not verified to obtain EC and permissions.



**GOVERNMENT OF TELANGANA
MUNICIPAL ADMINISTRATION DEPARTMENT**

O/o. the Commissioner & Director of
Municipal Administration,
640, A.C. Guards, Hyderabad,
Telangana State.

CIRCULAR

Roc.No. E-51152-2018-H2,

Dt: 03/06/2021

Sub: Mpl Admn Dept. - Orders of Hon'ble NGT in O.A. No. 593 of 2017 (Setting up of STPs /ETPs & CETPs) - Suo motu Original Application No. 673 of 2018 (Polluted River Stretches) - Common Disposal Order Dt: 22-02-2021 - Communicated - Instructions issued - Reg.

Ref: Lr.No. 5/NGT-New Delhi/TSPSCB/Legal/2017-816, Dt: 04-03-2021 of Member Secretary, TSPCB, Head Office, Hyderabad.

The attention of all the Municipal Commissioners in the state are invited to the subject and reference cited, wherein the Member Secretary, TSPCB, Head Office, Hyderabad has submitted that, the ***applications are disposed and the gist of the directions of the Hon'ble NGT Order in the above two cases, is as follows: -***

- i. *Other steps of action plans for abatement of pollution and rejuvenation of rivers be taken effectively, including preventing discharge or dumping of liquid and solid waste, maintaining e-flow, protecting floodplains, using treated sewage for secondary purposes, developing biodiversity parks, protecting water bodies, regulating ground water extraction, water conservation, maintaining water quality etc.*
- ii. *The rejuvenation of rivers need not be confined to only Polluted River Stretches but may be applicable to all small, medium and big polluted rivers, including those dried up.*
- iii. *Follow up action on the earlier directions of the Tribunal issued on dated 21.09.2020.*

2) In view of the above, while enclosing a copy of the reference cited, all the Municipal Commissioners in the State are hereby instructed to comply with the Hon'ble NGT directions on the above matter and also take necessary action immediately as per rules in vogue.

Encl:-as above.

**DR N SATYANARAYANA IAS
DIRECTOR OF MUNICIPAL
ADMINISTRATION**

To

All the Municipal Commissioners/ULB's of the State.

Copy to all the Addl. Collectors LBs of the State.

Copy to all the Collector & District Magistrate of the State.

Copy submitted to the Principal Secretary to Government, MA & UD, Telangana State, Hyderabad.

Signature valid

Digitally signed by Dr N
Satyanarayana IAS
Date: 2021.06.03 15:02:01 IST
Reason: Approved



58



TELANGANA STATE POLLUTION CONTROL BOARD
Paryavarana Bhavan, A-3, Industrial Estate, Sanathnagar, Hyderabad – 500018
Phone: 040 – 23887500

Lr. No. 5/NGT-New Delhi/TSPCB/Legal/2017-816

Date: 04-03-2021

// HON'BLE NGT, NEW DELHI – MOST IMPORTANT //

To

The Pri. Secretary to Govt.,
MA&UD Dept.,
Govt of Telangana,
Hyderabad.

The Pri. Secretary to
Govt., Industries &
Commerce Dept.,
Govt of Telangana,
Hyderabad.

The Pri. Secretary to Govt.,
PR&RD Dept.,
Govt of Telangana,
Hyderabad.

The Pri. Secretary to Govt.,
Industries & Commerce
Dept., Govt of Telangana,
Hyderabad.

The Pri. Secretary to
Govt., Finance Dept.,
Govt of Telangana,
Hyderabad.

Sir,

Sub: TSPCB -- Legal -- Hon'ble NGT, New Delhi – Original Application No. 593 of 2017 (Setting up of STPs / ETPs & CETPs) – Suo Motu Original Application No. 673 of 2018 (Polluted River Stretches) – Common Disposal Order dated 22.02.2021 -- Reg.

Ref: Hon'ble NGT, New Delhi Common Disposal Order dated 22.02.2021.

Kind attention is invited to the subject and reference cited.

I. OA No. 593 of 2017 [WP (Civil) No. 375/2012]:

It is to submit that the Hon'ble Supreme Court, New Delhi vide Judgment dated 22.02.2017 in WP (C) No. 375/2012 issued directions to all the State Governments & State PCBs with regard to construction and operation of STPs / ETPs / CETPs.

Subsequently, as per the directions of Hon'ble Supreme Court, the above case was taken up for hearing by the Hon'ble NGT, New Delhi. The orders of Hon'ble NGT dated 04.07.2017, 03.08.2018 & 19.02.2019 were communicated by the Board vide letter dated 22.03.2019 to the concerned Stakeholder Departments.

It is to further submit that the Hon'ble NGT vide Order dated 19.02.2019 has ordered that the Chief Secretaries may specifically look into the subject of setting up and proper functioning of STPs / ETPs / CETPs in their jurisdiction, so that the same can be looked up by the Chief Secretary who is appearing before the Tribunal with the progress report in the matter. The above case was tagged by the Hon'ble NGT with the OA No. 606 of 2018 for review.

The CPCB has developed a module for filing the monthly status of CETPs, ETPs and STPs (Municipal and Non-Municipal). The Board is submitting the monthly status of CETPs / ETPs & STPs in the Portal – "India E-track" to CPCB every month, upto January 2021.

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II. OA No. 673 of 2018:

It is to further submit that the Hon'ble NGT has taken up Suo Motu Original Application (OA) No. 673 of 2018 in September 2018, based on the News item published in "The Hindu" authored by Shri.Jacob Koshy titled **"More river stretches are now critically polluted: CPCB"**.

The Hon'ble NGT vide Order dated 20.09.2018 stated that as per the assessment by CPCB, there are 351 polluted River Stretches in India i.e., where the Bio-Chemical Oxygen Demand (BOD) content is more than 3 mg/l. The polluted river stretches have been divided into 5 priority categories i.e., I, II, III, IV & V, depending upon the level of BOD. River Musi in Telangana State is categorised as Priority-I with BOD concentration exceeding 30 mg/l at Monitoring locations.

The Hon'ble NGT directed for constitution of River Rejuvenation Committee (RRC). As per the directions of the Hon'ble NGT dated 20.09.2018, the Government of Telangana vide GO Rt. No. 191, dated 29.11.2018 has constituted **"River Rejuvenation Committee (RRC)"** with **Chief Secretary as Chairman; Prl.Secretaries, Environment, Forest, Science & Technology (EFS&T) Dept., as Vice Chairman; Municipal Administration & Urban Development (MA&UD) Department; Industries Dept., Hyderabad Metropolitan Water Supply & Sewerage Board (HMWS&SB); Telangana State Industrial Infrastructure Corporation (TSIIC); Finance Dept & Environment Protection, Training & Research Institute (EPTRI) as Members and TSPCB as Member Convener.**

The Government of Telangana vide GO Rt. No. 195, dated 31.12.2018 has constituted Special Environment Surveillance Task Force (SESTF) for each District, with District Collector as Chairman, representatives of Superintendent of Police and Chairman, District Legal Services Authority as Members and Regional Officer, TSPCB as Member Convener.

The RRC has submitted Action Plan to CPCB for Musi River in March 2019. The Task Force Team of the Central Pollution Control Board (CPCB) recommended the action plan for river Musi, subject to conditions.

A Central Monitoring Committee (CMC) is constituted under the Chairmanship of the Secretary, MoJS to review the progress of the implementation of the action plan on monthly basis. The CMC so far has conducted 8 meetings to review the progress of implementation of the action plan.

The status of ETPs / CETPs / STPs and Polluted River Stretches was incorporated in the quarterly status report filed by the Government before the Hon'ble NGT through e-filing as follows: -

Financial Year	Quarterly Report	Filed before Hon'ble NGT on
2019 – 2020	1 st	30.07.2019

1058977/2021/TAPPAL SEC-CDMA	2 nd	31.10.2019	63
	3 rd	31.01.2020	
	4 th	16.06.2020	
	1 st	31.07.2020	
2020 – 2021	2 nd	07.11.2020	
	3 rd	30.01.2021	

The Hon'ble NGT has been reviewing the above cases regularly and issuing directions to the concerned Ministries of the Central Government and to all the State Governments.

It is to further submit that the Hon'ble NGT issued Common Disposal Order dated 22.02.2021 in the following PAN India Orders: -

Sl. No.	OA No.	Filed by	Subject of OA
1.	593 of 2017	Paryavaran Suraksha Samithi & another	Setting up of STPs, ETPs & CETPs.
2.	673 of 2018	Taken Up case on News Item	Polluted River Stretches.

The copy of the Hon'ble NGT Order is enclosed for kind information.

The relevant extract of the Hon'ble NGT, New Delhi Order dated 22.02.2021 in the above two matters are as follows: -

"

ORDER

.....

Conclusion

37. In view of the above, we are of opinion that the monitoring by the Tribunal cannot be unending and must now be taken over by the concerned authorities. The roadmap stands laid out. Action plans have been prepared for remediation of all the 351 identified polluted river stretches. Gaps have been identified for ETPs/CETPs/STPs (including modular STPs wherever necessary). Timelines are clear.

Sources of funding are clear in the Supreme Court order. HAM model is also available as per Govt. of India Policy mentioned in the report of the CMC. Alternative conventional methods of bio / phyto-remediation are also available as mentioned in the report of the CMC. Existing treatment capacity is not fully utilized. New projects, already ongoing or those yet to commence need to be expedited. Consequences for delay in terms of compensation and administrative measures have been clearly mentioned. The river rejuvenation committees in the States/UTs, as per directions of the Chief Secretaries may perform their obligations accordingly which may be monitored by the Central Monitoring Committee, headed by Secretary, Jal Shakti, as directed earlier.

38. We find that the monitoring mechanism introduced as per directions of this Tribunal in the form of RRCs at the States level and CMC at the Central level is to an extent identical to the monitoring mechanism laid down under the River Ganga Rejuvenation, Protection and Management Authorities Notification 2016. However, mechanism under the 2016 notification being statutory and exhaustive, it will be better that the same is adopted for all the river stretches as issues involved are common. The Empowered Task Force on river Ganga headed by Union Minister of Jal Shakti may exercise all powers and discharge all functions in relation to all the polluted river stretches in the same manner as the functions entrusted to it under the River Ganga 2016 order for control of pollution and rejuvenation of polluted river stretches. This is necessary so that the Nation / Central Monitoring Mechanism can be effective, in view of continuing failure of statutory mechanism under the Water Act for preventing pollution of water, resulting in pollution of almost all the rivers and water bodies in the country, posing serious threat to availability of potable water for drinking purposes as well as for safety of food chain. Hardly any accountability has been fixed for such serious failures. It will be open to the MoJS to issue any further appropriate statutory order to give effect to the above directions under the EP Act. The National / Central Mechanism may enforce the earlier directions of this Tribunal for collecting compensation for the failure to commence or complete the projects for setting up of sewage treatment equipments or taking steps for interim remediation measures. This is necessary for accountability for the failure to obey the law. The compensation so assessed may be deposited in a separate account to be used for rejuvenation of the polluted river stretches in the same manner as directed in the case of Ganga quoted above. As directed vide order dated 19.12.2018 in OA 673/2018, responsibility to pay compensation on behalf of the States/UTs will be of the Chief Secretaries. As per scheme of the NGT Act, every order of NGT is executable as a decree of Civil Court. Further, failure to comply order of the NGT is an offence punishable with imprisonment upto three years or fine upto Rs. 10 crores with additional fine for continuing offence after conviction. If the offence is by a Government Department, Head of the Department is deemed to be guilty. Cognizance of the offence can be taken by a Court on a complaint of Central Government or any other person who has given notice to the Central Government or its authorized representative. The complaint can be filed before a Court of Magistrate of first class. It is, thus, necessary in view of continuing violation of NGT order, requiring payment of compensation to reiterate the direction of responsibility for payment of compensation, to be of the Chief Secretaries and in default, their liability to be proceeded against for coercive measures for execution or by way of prosecution as per NGT Act, 2010.

39. Our directions are summed up as follows:

- (i) In the light of observations in Para 38 above, MoJS may devise an appropriate mechanism for more effective monitoring of steps for control of pollution and rejuvenation of all polluted river stretches in the country. The said mechanism may be called "National River Rejuvenation Mechanism" (NRRM) or given any other suitable name. NRRM may also consider the observations with regard to setting up of National/State/District Environment Data Grid at appropriate levels as --
 effective monitoring strategy.

- (ii) Chief Secretaries of all States/UTs and PCBs/PCCs must work in mission mode for strict compliance of timelines for commencing new projects, completing ongoing projects and adopting interim phyto/bio-remediation measures, failing which compensation in terms of earlier orders be deposited with the MoJS, to be utilised in the respective States as per action plan to be approved by the NRRM. Other steps in terms of action plans for abatement of pollution and rejuvenation of rivers, including preventing discharge or dumping of liquid and solid waste, maintaining efflow, protecting floodplains, using treated sewage for secondary purposes, developing biodiversity parks, protecting water bodies, regulating ground water extraction, water conservation, maintaining water quality etc. be taken effectively. The process of rejuvenation of rivers need not be confined to only 351 stretches but may be applicable to all small, medium and big polluted rivers, including those dried up.
- (iii) The Chief Secretaries of all States/UTs may personally monitor progress at least once every month and the NRRM every quarter.
- (iv) Directions of this Tribunal in earlier order, the last being dated 21.9.2020 are reiterated.
- (v) The NRRM and the Chief Secretaries of all the States/UTs may take into account the observations in Paras 24 to 38 above.
- (vi) In view of discussion in para 38 above, it is made clear that accountability for failure to comply with the direction for payment of compensation will be of the concerned Chief Secretaries under Sections 25, 26, 28 and 30 of the NGT Act, 2010. The MoJS or any other aggrieved person will be free to take remedies by way of initiating prosecution or execution.

The applications are disposed of in the above terms.

A copy of this order be forwarded to the Secretary, MoJS, MoEF&CC, GoI, CPCB, Chief Secretaries and State PCBs / PCCs of all States / UTs by e-mail for compliance".

The gist of the directions of the Hon'ble NGT Order in the above two cases, is as follows: -

- i. Ministry of Jal Shakti (MoJS) may devise an appropriate mechanism, may be called "National River Rejuvenation Mechanism" (NRRM), for effective monitoring of steps for control of pollution and rejuvenation of all polluted river stretches in the country. NRRM may also consider the observations with regard to setting up of National / State / District Environment Data Grid at appropriate levels as an effective monitoring strategy.
- ii. Chief Secretaries of all States and PCBs must work for strict compliance of timelines for commencing new projects, completing ongoing projects and adopting interim phyto/bio-remediation measures, failing which compensation in terms of earlier orders be deposited

with the MoJS, to be utilised in the respective States as per action plan to be approved by the NRRM.

- iii. *Other steps of action plans for abatement of pollution and rejuvenation of rivers be taken effectively, including preventing discharge or dumping of liquid and solid waste, maintaining e-flow, protecting floodplains, using treated sewage for secondary purposes, developing biodiversity parks, protecting water bodies, regulating ground water extraction, water conservation, maintaining water quality etc.*
- iv. *The rejuvenation of rivers need not be confined to only Polluted River Stretches but may be applicable to all small, medium and big polluted rivers, including those dried up.*
- v. *The Chief Secretaries may personally monitor progress at least once every month and the NRRM every quarter.*
- vi. *The earlier directions of the Tribunal dated 21.09.2020 are reiterated.*
- vii. *The NRRM and the Chief Secretaries of all the States/UTs may take into account the observations in Paras 24 to 38 above.*
- viii. *It is made clear that accountability for failure to comply with the direction for payment of compensation will be of the concerned Chief Secretaries under Sections 25, 26, 28 and 30 of the NGT Act, 2010. The MoJS or any other aggrieved person will be free to take remedies by way of initiating prosecution or execution.*

It is therefore requested to kindly instruct the concerned to comply with the Hon'ble NGT directions on the above matter.

This is for kind information and necessary action.

Yours faithfully,
Sd/-
MEMBER SECRETARY

Encl: As above.

Copy submitted to:

1. The Prl. Secretary to Govt., ES&T Dept., Govt of Telangana, Hyderabad for kind information.
2. All the Collectors & District Magistrates for kind information and necessary action.

Copy to:

1. The MD, HMWS&SB, Hyderabad for information and necessary action.
2. The Metropolitan Commissioner, HMDA, Hyderabad for information and necessary action.
3. The E-in-C, Public Health Engg. Dept (PHED), Hyderabad for information and necessary action.
- ~~4.~~ The CDMA, Govt of Telangana for information and necessary action.
5. The Commissioner, GHMC, Hyderabad for information and necessary action.
6. The VC & MD, TSIIC, Govt of Telangana for information and necessary action.

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8. The E-in-C, RWS & S Dept, Hyderabad for information and necessary action.
9. The Commissioner, PR&RE Dept, Hyderabad for information and necessary action.
10. The E-in-C (Irrigation), I&CAD Dept, Hyderabad for information and necessary action.
11. The Director, TS Ground Water Dept, Hyderabad for information and necessary action.
12. The JCEE, ZO, Hyderabad for information and necessary action.
13. The JCEE, ZO, RC Puram for information and necessary action.
14. The JCES (FAC), Central Laboratory, Hyderabad for information and necessary action.
15. The EE, ROs, Hyderabad / RR-I / Medchal / Ramagundam / Kothagudem / Warangal / Sangareddy / RC Puram / Nalgonda / Nizamabad.
16. The ES (Air Lab), Central Laboratory, Hyderabad for information and necessary action.

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

Vesreddy

**SENIOR ENVIRONMENTAL ENGINEER
LEGAL, TSPCB, HEAD OFFICE, HYD.**

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