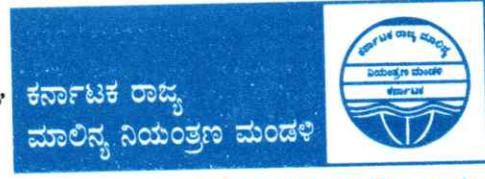


**Karnataka State Pollution Control Board**

**Regional Office : Bangalore City East**  
"Nisarga Bhavan", 3rd Floor, 7th 'D' Main,  
Thimmaiah Road, Shivanagar, Bangalore-560 010.  
Tel.: 080-23224830  
E-mail : bngcityeast@kspcb.gov.in

**ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ**  
ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ : ಬೆಂಗಳೂರು ನಗರ ಪೂರ್ವ  
"ನಿಸರ್ಗ ಭವನ", 3ನೇ ಮಹಡಿ, 7ನೇ 'ಡಿ' ಮುಖ್ಯರಸ್ತೆ,  
ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ, ಶಿವನಗರ, ಬೆಂಗಳೂರು-560 010.  
ದೂ.: 080-23224830  
E-mail : bngcityeast@kspcb.gov.in



towards a cleaner Karnataka

PCB/BCE/NGT OA 308 of 2022 / 461

Date: 05 JUL 2022

To,  
The Member Secretary  
Karnataka State Pollution Control Board  
5<sup>th</sup> Floor, Parisara Bhavan  
MG Road, Bengaluru 560 001

**Kind Attention: Law Officer (Legal Section)**

Sir,

**Subject:** Submission of Action taken report of the Joint Committee Report with respect Hon'ble NGT, Principal Bench OA No. 308 of 2022 relating to Gurudwara on Kensington Road, opposite to Shanthi Apartment, Halasuru, Bengaluru in respect of encroachment and also impact on functionality of storm drain and ecology of Halasuru Lake -reg.

**Reference:**

1. Petition filed by Mr. Vivek, Secretary of RWA- Shanthi Apartment, Gangadhara Chetty Road, Bengaluru.
2. Honorable NGT, Principal Bench Order dated 06.05.2022 in respect of OA No. 308 of 2022.
3. Board office Memorandum No. 1490, dated 26.05.2022.
4. Preliminary meeting held under the Chairmanship of Hon'ble DC, Bengaluru on 01.07.2022.
5. Joint Committee inspection held on 01.07.2022.

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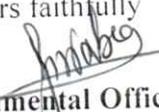
With reference to the above subject, please find herewith enclosed the Action taken report of the Joint Committee Report with respect Hon'ble NGT, Principal Bench OA No. 308 of 2022 relating to Gurudwara on Kensington Road, opposite to Shanthi Apartment, Halasuru, Bengaluru in respect of encroachment and also impact on functionality of storm drain and ecology of Halasuru Lake.

As per the Hon'ble NGT OA No. 308 of 2022 order dated 06.05.2022, Deputy Commissioner, Bangalore urban District is chairperson of the joint committee. The Deputy Commissioner, Bengaluru Urban District has conducted preliminary meeting and he was present in the joint committee inspection held on 01.07.2022. However, during the submission of Action taken report to Hon'ble NGT, Deputy Commissioner, Bangalore Urban District on 04.07.2022, Monday arrested by the Anti-Corruption Bureau (ACB). He has been recommended in judicial custody for 14 days. Hence, we could not take his signature for joint action taken report.

This is for your kind information and further needful.

Enclosure: as above

Yours faithfully

  
Environmental Officer  
RO-Bengaluru City East

**Action taken report of the Joint Committee Report as per the direction of the Hon'ble NGT passed in OA No. 308 of 2022 relating to Gurudwara on Kensington Road, opposite to Shanthi Apartment, Halasuru, Bengaluru in respect of encroachment and also impact on functionality of storm drain and ecology of Halasuru Lake**

**Preamble:**

Sri. Vivek, Secretary of the RWA-Shanthi Apartment, Gangadhara Chetty Road, Halasuru, Bangalore has filed a petition/application at Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi with regard to construction of a massive multistoried building within the buffer zone of primary storm water drain, beside Halasuru Lake, adjacent to Conrad Hotel, by Gurudwara on Kensington Road, Bengaluru, its alleged that the construction will damage Halasuru Lake as well as the storm water drain, though complaint have been made to the authority, they have not taken any action and hence the same has been admitted in Hon'ble NGT, Principal Bench in the name of Original Application No. 308/2022.

The Hon'ble NGT, Principal Bench had passed an order dated 06.05.2022 with respect to Original Application NO. 308 of 2022 regarding massive multi-storeyed construction is being done within buffer zone of the primary storm water drain next to Halasuru Lake adjacent to Conrad Hotel, for the past few months in blatant violation of environmental norms by Gurudwara on Kensington road, opposite to Shanthi apartment. In the said order, Hon'ble NGT has appointed a Joint Committee comprising of **Deputy Commissioner, Bangalore Urban District, Officer from State Wetland Authority, Commissioner, Bruhat Bengaluru Mahanagara Palike and Senior Environmental officer from KSPCB, Bangalore** and directed the Joint Committee to inspect the area in question and to submit a factual as well as action taken report, if there is any violation found and also Karnataka State Pollution Control Board has been made as Nodal agency for co-ordination and for providing necessary logistics for this purpose.

In order to implement the Hon'ble NGT, Principal Bench order dated 06.05.2022, the Karnataka State Pollution Control Board had passed an Office Memorandum(OM) vide No. PCB 10 Infra NGT 2022/1490, dated 26.05.2022, consists of the following Departments. Copy of the OM is enclosed as **Annexure-I**.

1. The Deputy Commissioner, Bangalore Urban District as Joint Committee Chairman.
2. Officer from State Wetland Authority, Department of Ecology and Environment, MS Building, 7<sup>th</sup> floor, Near Vidhana Soudha, Ambedkar Veedhi, Bengaluru 560 001 nominated as Member.
3. Officer from Bruhat Bengaluru Mahanagara Palike, NR Square, Bengaluru 560 002 nominated as Member.
4. Smt. Vijayalakshmi, Senior Environmental Officer, KSPCB, Nisarga Bhavan, Thimmaiah Road, Shivanagar, Bengaluru 560 079 nominated as Member.



 1

5. Sri. R. Padmanabhan, Environmental Officer, Regional Officer, Bengaluru City East, KSPCB nominated as Member Convener.

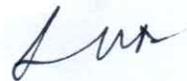
Accordingly, the preliminary meeting has been conducted under the Chairmanship of the Deputy Commissioner scheduled on 23.06.2022 at 1:00 pm at the Deputy Commissioner (Bengaluru Urban District) Meeting hall by calling the following Departments;

1. Special Commissioner, Projects, Bruhat Bengaluru Mahanagara Palike (BBMP) NR Square, Hudson circle, Bengaluru 560 002.
2. Chief Engineer, Storm Water Drain, BBMP, Jayanagar Shopping complex, 9<sup>th</sup> floor, Jayanagar 4<sup>th</sup> block, Bengaluru.
3. Chief Engineer WWM, Bangalore Water Supply and Sewerage Board (BWSSB), Cauvery Bhavan, Kempegowda Road, Bengaluru 560 009.
4. Chief Engineer, Minor Irrigation Department, Government of Karnataka, KR Circle, Bengaluru 560 001.
5. State Wet Land Authority represented by Principal Secretary office, Forest, Ecology & Environment Department, MS Building, Bengaluru.
6. Senior Environmental Officer, Bengaluru City, KSPCB, Nisarga Bhavan, Bengaluru.
7. Assistant Director of Land Records, Department of Survey Settlement and Land Records, Revenue Building, KR circle, Ambedkar Veedhi, Bengaluru 560 001.

Copy of the Proceedings of the said meeting dated 27.06.2022 is enclosed as **Annexure-II**. Further, as per the instructions of the Deputy Commissioner, Bengaluru Urban District, the spot inspection of Gurudwara was carried out by Joint Committee on 01.07.2022 wherein the respondents and applicant Sri. Vivek was also accompanied for inspection. The Applicant Sri. Vivek present during joint inspection informed the Deputy Commissioner that neither the Shanthi society nor he has given any complaint against Halasuru Gurudwara for any reasons to National Green Tribunal or anyone else. He also sent a mail to the Hon'ble NGT through mail, on mail id [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) on 01.07.2022 copy of mail is enclosed as **Annexure-III**. The photographs taken during inspection are enclosed as **Annexure-IV**.

During Joint committee inspection, Sri. Kuldeep Singh, Secretary of the Gurudwara was present and he informed that the Gurudwara is a Sikh temple existing since 1941 and this is the only one Gurudwara in Karnataka and Gurudwara management is running a public school commencing from 1<sup>st</sup> to 10<sup>th</sup> standard particularly for backward and downtrodden students with free education and food and he also informed that Gurudwara is located downstream to the Halasuru Lake. The Halasuru Lake situated in the upstream and there are no chances of entering water into the lake.

The observations made by the Joint Committee and action taken report, as per the direction of the Hon'ble NGT has been mentioned in detail and in this regard separate table is prepared as below:



TABLE

Direction No.	Subject of Directions	Observations of Joint Committee as on 01.07.2022	Action taken report
1	Encroachment	There was no encroachment of Halasuru Lake, observed during inspection.	<p>Bruhat Bengaluru Mahanagara Palike (BBMP), Executive Engineer SWD, East Zone has submitted a report on 04.07.2022 as per the directions of Deputy Commissioner during Joint inspection.</p> <p>Executive Engineer, BBMP, Storm Water drain (SWD), East stated in their report that, previously Sri. Jasvinder Singh aged about 54 years and a resident of 46/2, 1<sup>st</sup> A Main, 6<sup>th</sup> E cross, Nanjappa Layout, Adugodi, Bengaluru has filed <b>Writ Petition No. WP 52606/2015 (LB-BMP)</b>, the petitioner has filed a representation requesting The Commissioner, BBMP, Bangalore to remove the encroachment on the storm water drain adjacent to the Gurudwara Sri Guru Singh Sabha , Ulsoor, Bangalore. The Hon'ble High Court in their order dated 27.01.2016, directed the Commissioner; BBMP to consider the representation in accordance with law within a period of 03 months. Copy of the Writ Petition is enclosed as <b>Annexure-V</b>.</p> <p>Further, Sri. Jasvinder Singh has filed a <b>Contempt Petition CCC (Civil) No. 632 of 2016</b> against Commissioner and Ex-Commissioner, BBMP , stated that they have disobeyed the Hon'ble High Court Order in writ petition No. WP No. 52606/2015 dated 27.01.2016 and requested to remove the encroachment on the storm water drain adjacent to the Gurudwara Sri Guru Singh Sabha , Ulsoor, Bangalore. Copy of the Contempt Petition is enclosed as <b>Annexure-VI</b>.</p>

Further, Chief Engineer, SWD, BBMP has written a letter by rejecting the application. Copy of the letter is enclosed as **Annexure-VII**, by stating the below mentioned points.

1. The main contention of the writ petitioner Sri. Jasvinder Singh is that the management of Sri. Guru Singh Sabha encroached the storm water drain adjacent to Gurudwara, Ulsoor, Bengaluru and to remove the said encroachment.
2. Registered Gift deed dated 17.10.1952 executed by the then corporation of the city of Bangalore by gifting a property of measuring 4522 sqft situated in Kensington road, civil station, Bangalore in favour of Sri. Guru Singh Sabha. Copy of the Gift Deed is enclosed as **Annexure-VIII**.
3. Further, Corporation of Bangalore city has executed a Registered Lease Deed on 11.01.1980 in favour of Guru Singh Sabha for the land measuring 8284 sft over the municipal drain **behind** the existing building, Kensington Road, Ulsoor, Bangalore bounded by

East by: Drain

West by: Kensington Road

North by : Private Property

South by : Drain

for a period of 50 years from 01.01.1981 on lease on payment of Rs.200/- as lease amount per annum and

			<p>permitted to use the schedule land only for its purpose by covering the drain with RCC. Copy of the Lease Deed is enclosed as <b>Annexure-IX</b>.</p> <p>Sri. Guru Singh Sabha further produced a resolution dated 13.07.1995 passed by then administrator of Bangalore Mahanagara Palike permitting to cover the storm water drain with permission of the Government of Karnataka. Copy of the order is enclosed as <b>Annexure-X</b>. Thereafter the Government of Karnataka passed an order dated 29.05.1996 and permitted Sri. Guru Singh Sabha to cover the drain at its own cost with a condition the free flow of water should not be affected and when it required to clean at the cost of Gurudwara it should be clear and on the basis of Government order the then Executive Engineer sanctioned the plan on 06.06.1996 for covering the drain by erecting slab there will not be any problem for flowing of the water.</p> <p>Further, the BBMP, Special Commissioner, Projects also stated in their letter that, Gurudwara, Sri. Guru Singh Sabha has not made any problem to the public and Gurudwara management covered the drain by erecting the slab as permitted for parking of their vehicles and to facilitate the devotees for easy movement during festival seasons.</p> <p>Gurudwara management is running a public school commencing from 1<sup>st</sup> to 10<sup>th</sup> standard particularly for backward and downtrodden students with free education and food.</p>
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*Handwritten signature*

*Handwritten signature*

			<p>Further, Chief Engineer, Storm Water Drain, BBMP has submitted a letter to Hon'ble High Court dated 18.11.2016 with respect to Contempt Petition CCC 632/2016, based on this High Court of Karnataka informed that the BBMP, Commissioner has complied with the order " <b>The proceedings are dropped , No cost.</b></p> <p>Sri. Jasvinder Singh again filed writ petition No. 64158 of 2016 (LB-BMP) seeking to remove the encroachment on the SWD adjacent to the Gurudwara Sri. Guru Singh Sabha. The Hon'ble High Court of Karnataka dismissed the order on 19.01..2022 by ordering "<b>Writ Petition is dismissed</b>".</p>
<b>Direction No. 2</b>	Impact on functionality of storm drain	<p>The committee observed during inspection, that, there was no obstacle for flow of water. The functionality of storm water drain is not affected, has the Gurudwara erected the retaining wall to height of about 4.5 mts on both side and also they have made the gradient slope for easy flow of water. Hence, there is no chance of stagnating the water and restriction of water flow.</p>	<p>Office of the Chief Engineer, Storm Water Drain, Bengaluru Mahanagara Palike informed in their dated 18.11.2016 stated that the activities of Sri. Guru Singh Sabha is not causing any inconvenience to public and covering of drain by erecting concrete slab over the drain is permitted and it is not causing any blockage of drain. Copy of the letter is enclosed as <b>Annexure-XI.</b></p>
<b>Direction No. 3</b>	Ecology of Halasuru Lake	<p>Gurudwara is located downstream to the Halasuru Lake and there is no chances of entry of sewage into the Halasuru Lake from the Gurudwara.</p> <p>The existing storm water drain of Gurudwara will receive water from surplus water from the Halasuru</p>	<p>Ulsoor lake is the first lake in its stream and covers an area of 41.5 Hectares (102.55 Acres) with a perimeter of about 3.1 km, located on the eastern side at Ulsoor, Bangalore. Ulsoor lake is maintained by Bruhut Bengaluru Mahanagara Palike (BBMP). Ulsoor lake receives storm water from two primary drains and one secondary drain. The Lake has two outlets one on its Southern Corner (near Gurudwar) and other on its</p>

*LM*

*Q*

		<p>Lake and primary drain located adjacent to the Halasuru Lake, which ultimately joins Bellandur Lake.</p>	<p>South Western Corner (In front R.B.N.A.M.S. College). These outlets facilitate excess/overflow water flow to Bellandur Lake through Challagatta primary storm water drain. Ulsoor Lake is provided with earthen bunds on its Southern side serves as Main road called Murphy Road connects Murphy Town with Old Madras Road and its Northern Side as Annaswamy Mudaliar Road connects the area of Shivan Chetty Garden &amp; Kensington Road serving as the Military Camp.</p> <p>This Ulsoor Lake water quality is monitored every month under the National Water Quality Monitoring Programme (NWMP) by the Karnataka State Pollution Control Board (KSPCB) at 03 locations namely</p> <ol style="list-style-type: none"> <li>1. Location 01- Halasuru Lake – near Temple</li> <li>2. Location 01- Halasuru Lake – near Fishing Centre.</li> <li>3. Location 01- Halasuru Lake – near Kalyani.</li> </ol> <p>Ulsoor Lake conforms to designated –best-use classification Class “D” i.e. water is fit for propagation of wildlife and fisheries and E-Irrigation, Industrial cooling, Controlled Waste Disposal. Copy of the analysis reports are enclosed as <b>Annexure-XII</b>.</p>
<b>Other issues observed during inspection:</b>			
		<p>Gurudwara is Sikh temple existing since 1941 consisting of prayer hall, school &amp; staff and pilgrims rooms. Now they taken up expansion activity such as by providing car parking in the basement floor,</p>	<p>Karnataka State Pollution Control Board inspected the Gurudwara on 14.06.2022 and issued notice to the the Gurudwara authority informed to apply for Consent for Operation for operation of Sewage Treatment Plant. Copy of the notice is enclosed as <b>Annexure-XIII</b>.</p>

*LM*



		<p>extension of prayer hall, extension of lunger hall and additional rooms for staff and pilgrims with installation of Sewage Treatment Plant. The expansion building configuration BF+ GF + 3UFs.</p> <p>Further, it was also observed that, the Gurudwara have not obtained statutory clearance from the Government departments such as BBMP, KSPCB, BWSSB, Fire and Safety etc with respect to expansion activity.</p>	
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*Law.*

*(Signature)*

After the Joint Committee inspection of Gurudwara for ascertaining the ground reality and after verification of action taken report submitted by the authorities, the Committee has derived certain short/medium and long term Remedial measures which is as below:

**Recommendation of the Joint Committee about the remedial measures:**

The Joint committee discussed in detail and recommended for Long Term Remedial measures.

Sl. No.	Activity	Department concerned
1	Frequent cleaning of accumulated floating debris /solid waste from the storm water drain	Gurudwara authority
2	To provide /install Trash barrier to the entry point of storm water drain located at Gurudwara	Gurudwara authority
3	Installation of designed appropriate screen to arrest entry floating debris into the drain at different locations before entering to water from SWD located at Gurudwara.	BBMP, SWD
4	Stoppage of sewage entering into the drain by identifying missing links of lateral sewer lines which are to be connected to the storm water drain.	BBMP & BWSSB
5	Regular monitoring of Halasuru Lake	KSPCB
6	To ensure the implementation of notification No. FEE 316 EPC 2015, dated 19.01.2016 issued by Forest, Ecology and Environment Secretariat with respect to installation of Sewage Treatment Plant and reuse of treated sewage	KSPCB

Hence, we submit this report along with Annexure- I to XIII before the Hon'ble National Green Tribunal, Principal Bench for kind consideration.

**Deputy Commissioner**  
(Bangalore Urban District)  
and Chairman of the Joint Committee

  
**Senior Environmental officer, KSPCB**  
Bangalore and Joint committee member

  
**Environmental officer**  
**and Member Convener**  
**w.r.t NGT OA No. 308 of 2022**  
RO, Bangalore City East, KSPCB

  
**BBMP, Special Commissioner (Projects)**  
and Joint Committee Member

  
**Scientific Officer, Grade-I**  
Forest, Ecology & Environment  
represented by Department of Ecology  
And Environment and Joint Committee  
Member  
RGS, M.S. Building  
Bangalore - 560 007

Joint inspection on 01/7/2022

02

Sl.No.	Name	Department	Mobile No.	e-mail ID	Office Address	Sl.No.
01	Fazal Ahmed	BBMP	9302019909	—	SWD - EE BBMP	
02	E. Granna	BBMP	9480683848	—	SWD BBMP.	
03	Virek Namasi	Shantvi	9845170504		Shantvi RUA	
04	P. Sheemara	BBMP	9972133630		Shivastinagara	
5	Ravindra Special Incharge SWD	BBMP	8310937949			
6	Suguns R	CECBBMP	9480683016		East zone	
7	M. Lalasatt	ADP	8892555786	BBMP		
8	M. MAHADEV.	EE (Lakes)	9480684069	BBMP		
9	Sulas H.S	Sc.D, FEE	8310234837	FEE		
10	H.M. Rajeev	A-E-BBMP	9902511327	AE		
11	Kuldeep Singh	Guardian	9845020264			
12	Supriya P.	K2K	9538855537	Supriya P.		
13	Vijayalakshmi	KSPCB	9980074306			
14	Padmanabhan	KSPCB	9845391271			
15	Ameenulabeig	-11-	9945777633			
16	Shreyaja	-11-	9008361742			
	Moujunt IAS DC (Urban Dist)		8867712814			

**Annexures with respect NGT OA No. 308 of 2022**

Sl. No.	Subject	Annexure No.
1	Joint Committee constituted from KSPCB	Annexure -I
2	Copy of the preliminary proceedings of the meeting held on 23.06.2022	Annexure-II
3	Sri. Vivek, complainant letter to Hon'ble NGT through Mail on 01.07.2022	Annexure-III
4	Photos taken during inspection of the spot (Gurudwara, Halasuru)	Annexure-IV
5	Writ Petition No. WP 52606/2015 (LB-BMP)	Annexure-V
6	Contempt Petition CCC (Civil) No. 632 of 2016 and Writ petition No. 64158 of 2016 (LB-BMP)	Annexure-VI
7	Chief Engineer, Storm Water Drain BBMP letter to Sri. Jasvinder Singh	Annexure-VII
8	Gift Deed in favour of Sri. Guru Singh Sabha, Gurudwara on 17.10.1952	Annexure-VIII
9	Lease Deed on 11.01.1980 in favour of Guru Singh Sabha, Gurudwara	Annexure-IX
10	To cover the storm water drain with permission of the Government of Karnataka.	Annexure-X
11	Letter from the Office of the Chief Engineer, Storm Water Drain, Bengaluru Mahanagara Palike	Annexure-XI
12	Analysis Reports of Halasuru Lake	Annexure-XII
13	Copy of notice from KSPCB to Gurudwara Annexure-XIII	Annexure-XIII



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ  
**Karnataka State Pollution Control Board**

"ಪರಿಸರ ಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಭಾರತ

"Parisara Bhavan", 1st to 5th Floor, # 49, Church Street, Bangalore - 560 001, Karnataka State, India

PCB 10 Infra NGT 2022 / 1490

Date:

26 MAY 2022

**Office Memorandum**

**Subject:**

Constitution of Joint Committee in the matters related to National Green Tribunal Principal Bench on Original Application No 308 of 2022 - Regarding

**Reference:**

1. Petition filed by Mr Vivek, Secretary, RWA Shanthi Apartment.
2. Honorable National Green Tribunal Principal Bench Order dated 06.05.2022 in respect of OA No. 308 of 2022.

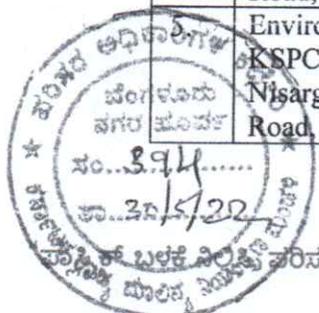
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**Preamble:**

Owing to averments made by the Petitioner Mr Vivek, Secretary of Resident Welfare Association of Shanthi Apartment, Gangadhara Chetty Road, Bengaluru, on the matters related to construction of a massive multistoried building within the buffer zone of primary storm water drain, beside Halasuru Lake, adjacent to Conrad Hotel, by Gurudwara on Kensington Road, Bengaluru, It's alleged that the construction will damage Halasuru Lake as well as the storm water drain. Hence, the Principal Bench of Honorable National Green Tribunal has passed an Order dated 06.05.2022 copy of which is enclosed herewith for reference. The Tribunal has considered it appropriate to have a Joint Committee formed for finding out facts and take appropriate action in the matter. Therefore, in compliance with the said Directions the following committee is constituted consisting of the representatives of the following Departments:

Sl. No.	Name of the Department	Position in the Committee	Name & Contact No
1.	Deputy Commissioner Bengaluru Urban District K G Road, Bengaluru 560 009	Chairperson	---
2.	Officer from State Wetland Authority, Department of Ecology & Environment 708, M S Building, 7 <sup>th</sup> Floor, Near Vidhana Soudha, Ambedkar Veedhi, Bengaluru 560 001.	Member	---
3.	Officer from Bruhat Bengaluru Mahanagara Palike, N R Square, Bengaluru 560 002	Member	---
4.	Senior Environmental Officer KSPCB, Bengaluru City Region, Nisarga Bhavan, Thimmaiah Road, 7 <sup>th</sup> D Main Road, Shivanagar, Bengaluru 560 079	Member	Smt Vijayalakshmi 99800 74306
	Environmental Officer, KSPCB, Regional Office Bengaluru City East, Nisarga Bhavan, Thimmaiah Road, 7 <sup>th</sup> D Main Road, Shivanagar, Bengaluru 560 079	Member Convener	Mr Padmanabh 98453 91271

30/5/22  
080/100

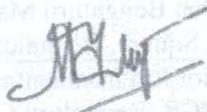


The NGT has directed the Committee to meet within 04 weeks, undertake site visits, look into the grievances of the petitioner and take remedial action by following due process of law, by looking into the matter particularly encroachment and its impact on the functionality of storm water drain and ecology of Halasuru Lake. It is required to submit the action taken report to the NGT within 02 months of the date of Order that is before June 06<sup>th</sup> 2022.

  
**Member Secretary**  
**Karnataka State Pollution Control Board**

To,

1. Senior Environmental Officer  
KSPCB, Bengaluru City Region,  
Nisarga Bhavan, Thimmaiah Road, 7<sup>th</sup> D Main Road,  
Shivanagar, Bengaluru 560 079
2. Member Secretary  
State Wetland Authority,  
Department of Ecology & Environment  
708, M S Building, 7th Floor, Near Vidhana Soudha,  
Ambedkar Veedhi, Bengaluru 560 001.
3. Commissioner  
Bruhat Bengaluru Mahanagara Palike,  
N R Square, Bengaluru 560 002  
Deputy Commissioner
4. Bengaluru Urban District  
K G Road, Bengaluru 560 009
5. Environmental Officer,  
KSPCB, Regional Office Bengaluru City East,  
Nisarga Bhavan, Thimmaiah Road, 7<sup>th</sup> D Main Road,  
Shivanagar, Bengaluru 560 079

  
**Senior Environmental Officer**

V. Vivek  
Important

Item No.3

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 308/2022

Vivek

Applicant

Versus

State of Karnataka

Respondent

Date of hearing: 06.05.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Application is registered based on a complaint received by Post

**ORDER**

1. The grievances made in the present letter petition sent by Mr. Vivek, Secretary, RWA- Shanti Apartments Gangadhara Chetty Road, Bangalore are that a massive multi-storeyed construction is being done within buffer zone of the primary storm water drain next to Halasuru lake adjacent to Conrad Hotel, for the past few months in blatant violation of environmental norms by Gurudwara on Kensington Road opposite to the Shanti apartments. It is further submitted by the applicant that the Bruhat Bangalore Mahanagara Palike (Municipal Corporation) is turning a blind eye to the project and allowing the construction which will cause damage to lake as well as storm water drain due to encroachments.

2. In view of the averments made in the present letter petition, we consider it appropriate to have a factual and action taken report from a

NGT Matter  
V. Vivek

17/5/22  
12:45 PM  
Pl. put up immediately  
on priority

Note  
A. J. Committee  
has to be formed  
as per  
E. directive  
of NGT

2

2

Joint Committee comprising of State PCB, State Wet Land Authority, Commissioner, Bruhat Bangalore Mahanagara Palike (Municipal Corporation, and Collector, Bangalore. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicant and take requisite remedial action by following due process of law. The Committee may in particular look into the question of encroachments and also impact on functionality of storm drain and ecology of Halasuru lake. Factual and action taken report may be furnished within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List the matter for further consideration on 27/07/2022.

A copy of this order, along with a copy of the complaint, be forwarded to the State PCB, State Wet Land Authority, Commissioner, Bruhat Bangalore Mahanagara Palike (Municipal Corporation, and Collector, Bangalore by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 6, 2022  
Original Application No. 308/2022  
AG

## Annexure - II

No. Hon'ble NGT OA No.308/2022/Jt. Com.Meeting Pros/2022-23/436 date: 27 JUN 2022

Proceedings of the Preliminary Meeting held under the Chairmanship of Deputy Commissioner (Bangalore Urban District) at Deputy Commissioner (Bangalore Urban District) Meeting Hall on 23.06.2022 at 1:00 pm in respect of Hon'ble NGT OA No. 308/2022 order dated 06.05.2022.

List of Officers attended the Preliminary meeting

Sl. No.	Name of the Officer with Department
1	Special Commissioner (Project), BBMP, NR Square, Hudson Circle, Bengaluru
2	Smt. Vijayalakshmi, Senior Environmental Officer, Bengaluru city, 3 <sup>rd</sup> floor, Nisarga Bhavan, Shivanagar, Bengaluru 79
3	Sri. Raveendranath S.R, Executive Engineer, Department, Government of Karnataka, KR Circle, Bengaluru 560 001.
4	Sri. Suhas, Scientific Officer, Ecology & Environment Department, MS Building, Bengaluru (represented on behalf of Wet land Authority)
5.	Sri. Fazal Ahamed, Executive Engineer, BBMP, SWD, Jayanagar Shopping complex, 9 <sup>th</sup> floor, Jayanagar 4 <sup>th</sup> block, Bengaluru.
6	Smt. Nithya J, AEE, Lakes, BBMP, NR Square, Hudson Circle, Bengaluru
7	Smt. Shilpa K , AE. Lakes, BBMP, NR Square, Hudson Circle, Bengaluru
8	Sri. R. Padmanabhan, Member Convener, Environmental Officer, Regional office, Bengaluru city East, 3 <sup>rd</sup> floor, Nisarga Bhavan, Shivanagar, Bengaluru 560 079

Petitioner Mr. Vivek, Secretary of the RWA-Shanthi Apartment, Gangadhara Chetty Road, Bangalore on the matters related to construction of a massive multistoried building within the buffer zone of primary storm water drain, beside Halasuru Lake, adjacent to Conrad Hotel, by Gurudwara on Kensington Road, Bengaluru, its alleged that the construction will damage Halasuru Lake as well as the storm water drain, though complaint have been made to the authority, they have not taken any action and hence the same has been admitted in Hon'ble NGT, Principal Bench in the name of Original Application No. 308/2022.

In this regard, Hon'ble NGT, Principal Bench in its order dated 06.05.2022 directed to ascertain the genuineness of the allegations made in the applications made in the application regarding the encroachment by the Gurudwara near Halasuru Lake of Bangalore Urban District. Also they feel to appoint **joint committee** comprising of **Deputy Commissioner, Bangalore Urban District, Officer from State Wetland Authority, Officer from Bruhat Bengaluru Mahanagara Palike and Senior Environmental officer from KSPCB, Bangalore** to inspect the area in question and submit the factual as well as action taken



report if there is any violation found and report to be submitted within 05.07.2022 and also Karnataka State Pollution Control Board has been made as Nodal agency for co-ordination and for providing necessary logistics for this purpose.

In order to implement the Hon'ble NGT, Principal Bench order dated 06.05.2022, the Karnataka State Pollution Control Board has constituted a Joint Committee vide letter dated No. PCB 10 Infra NGT 2022/1490, dated 26.05.2022, consists of the following Departments;

1. The Deputy Commissioner, Bangalore Urban District as Joint Committee Chairman.
2. Officer from State Wetland Authority, Department of Ecology and Environment, MS Building, 7<sup>th</sup> floor, Near Vidhana Soudha, Ambedkar Veedhi, Bengaluru 560 001 nominated as Member.
3. Officer from Bruhat Bengaluru Mahanagara Palike, NR Square, Bengaluru 560 002 nominated as Member.
4. Smt. Vijayalakshmi, Senior Environmental Officer, KSPCB, Nisarga Bhavan, Thimmaiah Road, Shivanagar, Bengaluru 560 079 nominated as Member.
5. Sri. R. Padmanabhan, Environmental Officer, Regional Officer, Bengaluru City East, KSPCB nominated as Member Convener.

Accordingly, the preliminary meeting has been conducted under the Chairmanship of the Deputy Commissioner scheduled on 23.06.2022 at 1:00 pm at the Deputy Commissioner (Bangalore Urban District) Meeting hall by calling the following Departments;

1. Special Commissioner, Projects, Bruhat Bengaluru Mahanagara Palike (BBMP) NR Square, Hudson circle, Bengaluru 560 002.
2. Chief Engineer, Storm Water Drain, BBMP, Jayanagar Shopping complex, 9<sup>th</sup> floor, Jayanagar 4<sup>th</sup> block, Bengaluru.
3. Assistant Director of Land Records, Department of Survey Settlement and Land Records, Revenue Building, KR circle, Ambedkar Veedhi, Bengaluru 560 001.
4. Chief Engineer WWM, Bangalore Water Supply and Sewerage Board (BWSSB), Cauvery Bhavan, Kempegowda Road, Bengaluru 560 009.
5. Senior Environmental Officer, Bengaluru City, KSPCB, Nisarga Bhavan, Bengaluru.
6. State Wet Land Authority represented by Principal Secretary office, Forest, Ecology & Environment Department, MS Building, Bengaluru.
7. Chief Engineer, Minor Irrigation Department, Government of Karnataka, KR Circle, Bengaluru 560 001.

As per the above, all the officers from the various departments have been attended the meeting.

The Member Convener, Environmental Officer, Regional office, Bengaluru City East has welcomed the Chairman and the members and other officers attended the meeting and



briefed about the Hon'ble NGT, Principal Bench directions in respect of OA No. 308/2022 order dated 06.05.2022 with respect to encroachment by Gurudwara near Halasuru Lake as the petition filed by Sri. Vivek, Secretary of RWA-Shanthi Apartment, Gangadhara Chetty Road, Bengaluru.

The Chairman of the Joint Committee who presided the meeting asked the Special Commissioner, BBMP to brief about the encroachment by Gurudwara. Special Commissioner, BBMP has explained that Registered Gift Deed dated 17.10.1952 executed by the then corporation of the city of Bangalore by gifting a property measuring 4522 sft situated in Kensington road, civil station, Bangalore in favour of Sri. Guru Singh Sabha. Sri. Guru Singh Sabha produced registered deed of lease dated 11.01.1980 entered between itself and then the corporation of the city of Bangalore and corporation has leased the corporation land measuring 8284 sft adjacent to Gurudwara over the municipal drain behind existing building, Kensington road, Ulsoor, Bengaluru .

Sri. Guru Singh Sabha further entered into resolution dated 13.07.1995 passed by then administrator of Bangalore Mahanagara Palike permitting to cover the storm water drain with permission of the Government of Karnataka and thereafter Sri. Guru Singh Sabha to cover the drain at its cost with a condition the free flow of water should not be affected and as and when it required to clean at the cost of Gurudwara it should be clear and on the basis of Government order the then Executive Engineer sanctioned the plan on 06.06.1996 for covering the drain by erecting slab there will not be any problem for flowing of the water.

Further, Mr. Jasvinder Singh, Resident of No. D-22/121, DLF New Town , Akshayanagar, Begur post, Bengaluru, Petitioner has filed a Writ petition, writ petition No. 64158 of 2016 (LB-BMP) in the High Court of Karnataka, Bengaluru seeking to remove the encroachment on the storm water drain adjacent to the Gurudwara Sri Guru Singh Sabha was rejected by the respondent BBMP. The said writ petition was dismissed by the High Court of Karnataka, as the Gurudwara Singh Sabha has obtained permission from the Government and permitted Gurudwara to cover the storm water drain. The petitioner has not challenged the permission granted by the Government as well as the respondent BBMP permitting Gurudwara Sri Guru Singh Sabha to put up construction on the storm water drain. In the absence of the challenge to the said permission, the writ petition was dismissed by the High Court of Karnataka.

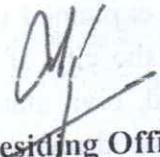
The Presiding Officer informed the Special Commissioner, Projects to identify the encroachment of Lake, storm water drain and to submit the action plan. He also asked the KSPCB and Wetland Authority about the ecology of Halasuru Lake and to submit the action plan.



**Finally, the Presiding Officer directed as follows;**

To conduct a Joint inspection of Gurudwara, its encroachment and Ulsoor Lake on 01.07.2022 at 10:30 am.

The meeting was concluded with vote of thanks from the Environmental Officer, KSPCB Member Convener to the Chairman of the Joint Committee and other officers present in the meeting from other departments.

  
(Presiding Officer)

Deputy Commissioner (Bangalore Urban District)  
Chairman Joint Committee as per Hon'ble NGT, Principal Bench  
in respect of OA No. 308/2022.

To,

1. Special Commissioner (projects), Bruhat Bengaluru Mahanagara Palike(BBMP) NR Square, Hudson circle, Bengaluru 560 002 for information and necessary action.
2. Chief Engineer, BBMP, SWD, Jayanagar Shopping complex, 9<sup>th</sup> floor, Jayanagar 4<sup>th</sup> block, Bengaluru for information and necessary action.
3. Senior Environmental Officer, Bengaluru City, KSPCB, Nisarga Bhavan, Bengaluru for information and necessary action.
4. Executive Engineer, BBMP, SWD, Jayanagar Shopping complex, 9<sup>th</sup> floor, Jayanagar 4<sup>th</sup> block, Bengaluru for information and necessary action.
5. Sri. Suhas, Scientific Officer, Forest, Ecology and Environment Department, MS Building, Bengaluru 560 001 representing (represented on behalf of Wet land Authority).
6. Environmental Officer, RO, Bengaluru City East for kind information and necessary action
7. Office copy.

Preliminary meeting dated 23-06-2022 @ 1:00 pm  
at Hon'ble DC office 01

Sl. No.	Name	Department	Mobile No.	e-mail id	Office Address	Signature
1	Hon.ble Deputy Commissioner, Bengaluru Urban District				KG Road, Bengaluru Urban District, Bengaluru 560 009	
2	Principal Secretary to Government Subas,	(Ecology & Environment), Forest, Ecology & Environment Department Jov	8310284 837		MS Building, Bengaluru 560 001	 S.C.O FEE Ecology ENV
3	Special Commissioner, Projects	Bruhat Bengaluru Mahanagara Palike (BBMP)			NR Square, Hudson Circle, Bengaluru-560 002	
4	Principal Secretary to Government	Forest, Ecology and Environment Department			MS Building, Bengaluru-560001	
5	Assistant Director of Land Records	Department of Survey Settlement and Land Records			Revenue Building, KR Circle, Ambedkar Veedhi, Bengaluru-560 001	
6	Chief Engineer, Storm Water Drain	Bruhat Bengaluru Mahanagara Palike (BBMP)			Jayanagar Shopping Complex, 9th Floor, Jayanagar 4th Block, Bengaluru	
7	Chief Engineer, WWM	Bengaluru Water Supply and Sewerage Board (BWSSB)			Cauvery Bhavan, Kempegowda Road, Bengaluru-560 009	
8	Chief Engineer	Minor Irrigation Department			KR Circle, Bengaluru-560 001	
9	Senior Environmental Officer, Bengaluru City Zone	KSPCB			Nisarga Bhavan, Shivanagar, Bengaluru-560 079	
10	EE MF, Division Bengaluru	Raveendrabhat SR			Jayanagar Shopping Complex	
11	Shilpa. K AE	Laks, BBMP	9986553292		o/o CE, Laks. BBMP	
12	1035. R; A.E.E	BBMP	9480685582		- 11 -	

3. Faraz Ahmed.

BBMP SWD cl. 9342019909

o/o CE SWD BBMP

Annexure-III

Email

Bangalore City East KSPCB Bangalore

**Re: KSPCB Letter to Ulsoor Gurudwara, Shanthi Society**

**From :** viveknamasivayam@student.purdueglobal.edu Fri, Jul 01, 2022 02:53 PM  
**Subject :** Re: KSPCB Letter to Ulsoor Gurudwara, Shanthi Society  
**To :** Bangalore City East KSPCB Bangalore  
<bngcityeast@kspcb.gov.in>, Consultant Judicial-  
NGT(P.B.) <judicial-ngt@gov.in>  
**Cc :** raosatishs@yahoo.co.in, sgssblr@gmail.com,  
kuldeep@fourelevenindia.com

Reference: NGT OA No 308/2022

On Fri, 1 Jul, 2022, 1:28 pm Vivek Namasivayam,  
<[viveknamasivayam@student.purdueglobal.edu](mailto:viveknamasivayam@student.purdueglobal.edu)> wrote:

Dear NGT team

Kindly look into my enclosed email. This matter pertains to you also.

Regards  
Vivek Namasivayam  
Bangalore

On Wed, 29 Jun, 2022, 5:52 pm Vivek Namasivayam,  
<[viveknamasivayam@student.purdueglobal.edu](mailto:viveknamasivayam@student.purdueglobal.edu)> wrote:

To:  
The Environmental Officer,  
Karnataka State Pollution Control Board  
Regional Office: Bangalore City East,  
Nisarga Bhavan, 3<sup>rd</sup> Floor, 7<sup>th</sup> D Main,  
Thimmaiah Road, Shivanagar,  
Bangalore - 560010

Dear Shri Padmanabhan

Reference : 1. Your letter reference 2022-23/442 dated 28-June 2022, physically delivered at our Society's premises at 2.10 PM today.

2. Our phone conversation subsequent to receipt of above letter.

Sub : Clarification that we, M/s Shanthi Society, have no complaint against Ulsoor Gurudwara whatsoever.

We are in receipt of your above letter citing that we, Shanthi Society, & I, Vivek Namasivayam, as a Honorary Secretary of the Society have a complaint against Ulsoor Gurudwara, regarding some matter pertaining to encroachment. In this regard, you have also cited a purported communication between our Society/ me to National Green Tribunal as the original complaint that you are now acting on. In this regard, you also asked for a meeting with your KSPCB Officials, Gurudwara officials & myself on 1<sup>st</sup> July, 10.30 AM to discuss this matter.

In addition to my phone calls to you clarifying the matter, I'm hereby stating for the record:

- Neither has Shanthi Society, nor I as it's representative initiated any complaint against Ulsoor Gurudwara for any reason to National Green Tribunal or anyone else.
- As far as we are concerned, we initiated no complaint – so kindly treat this case as closed. Kindly also unearth & intimate us the identity of miscreant who is misusing our identity to raise said complaint.
- After receipt of your letter, I've just now discussed this matter with Ulsoor Gurudwara management, to iron out any misunderstanding that may crop up due to this.

Kindly acknowledge this email, which may be treated as formal communication from Shanthi Society.

Thank you,

Warm regards

Vivek Namasivayam  
For Shanthi Housing Society

Copied here are:

- Mr. Kuldeep Singh, Member, Ulsoor Gurudwara
- Mr. Rishipal Singh, Assistant Manager, Ulsoor Gurudwara
- Mr. Satish Rao, Honorary Treasurer, Shanthi Housing Society

---

**From :** viveknamasivayam@student.purdueglobal.edu  
**Subject :** Re: KSPCB Letter to Ulsoor Gurudwara, Shanthi Society  
**To :** Bangalore City East KSPCB Bangalore  
<bngcityeast@kspcb.gov.in>, Consultant Judicial-  
NGT(P.B.) <judicial-ngt@gov.in>  
**Cc :** raosatishs@yahoo.co.in, sgssblr@gmail.com,  
kuldeep@fourelevenindia.com

Fri, Jul 01, 2022 01:29 PM

Dear NGT team

Kindly look into my enclosed email. This matter pertains to you also.

Regards  
Vivek Namasivayam  
Bangalore

On Wed, 29 Jun, 2022, 5:52 pm Vivek Namasivayam,  
<[viveknamasivayam@student.purdueglobal.edu](mailto:viveknamasivayam@student.purdueglobal.edu)> wrote:

To:  
The Environmental Officer,  
Karnataka State Pollution Control Board  
Regional Office: Bangalore City East,  
Nisarga Bhavan, 3<sup>rd</sup> Floor, 7<sup>th</sup> D Main,  
Thimmaiah Road, Shivanagar,  
Bangalore – 560010

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Warm regards

Vivek Namasivayam  
For Shanthi Housing Society

Copied here are:

- Mr. Kuldeep Singh, Member, Ulsoor Gurudwara
- Mr. Rishipal Singh, Assistant Manager, Ulsoor Gurudwara
- Mr. Satish Rao, Honorary Treasurer, Shanthi Housing Society

---

**From :** kuldeep@fourelevenindia.com  
**Sender :** kuldeep@fourelevenindia.com  
**Subject :** Re: KSPCB Letter to Ulsoor Gurudwara, Shanthi Society  
**To :** viveknamasivayam@student.purdueglobal.edu  
**Cc :** Bangalore City East KSPCB Bangalore  
<bngcityeast@kspcb.gov.in>, raosatishs@yahoo.co.in,  
sgssblr@gmail.com

Wed, Jun 29, 2022 10:36 PM

Dear Shri Vivek Ji

We appreciate the clarification given by you, the communication is very clear that there is no complaint registered by you. It seems a mischevious act of someone who wants to create unneccsary disturbance. I would humbly request Shri Padmanbhan Ji to kindly close the matter & allow the Gurdwara & the Sikh community to continue their service to the society.

warm regards

Kuldeep Singh  
Head - Agency+91 98450 20264  
kuldeep@fourelevenindia.com

From: Vivek Namasivayam <viveknamasivayam@student.purdueglobal.edu>  
Sent: Wed, 29 Jun 2022 17:52:55 GMT+0530  
To: bngcityeast@kspcb.gov.in  
Cc: raosatishs@yahoo.co.in, sgssblr@gmail.com,  
kuldeep@fourelevenindia.com  
Subject: KSPCB Letter to Ulsoor Gurudwara, Shanthi Society

To:  
The Environmental Officer,  
Karnataka State Pollution Control Board  
Regional Office: Bangalore City East,  
Nisarga Bhavan, 3<sup>rd</sup> Floor, 7<sup>th</sup> D Main,  
Thimmaiah Road, Shivanagar,

Bangalore – 560010

Dear Shri Padmanabhan

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2. Our phone conversation subsequent to receipt of above letter.

Sub : Clarification that we, M/s Shanthi Society, have no complaint against Ulsoor Gurudwara whatsoever.

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In addition to my phone calls to you clarifying the matter, I'm hereby stating for the record:

- Neither has Shanthi Society, nor I as it's representative initiated any complaint against Ulsoor Gurudwara for any reason to National Green Tribunal or anyone else.
- As far as we are concerned, we initiated no complaint – so kindly treat this case as closed. Kindly also unearth & intimate us the identity of miscreant who is misusing our identity to raise said complaint.
- After receipt of your letter, I've just now discussed this matter with Ulsoor Gurudwara management, to iron out any misunderstanding that may crop up due to this.

Kindly acknowledge this email, which may be treated as formal communication from Shanthi Society.

Thank you,

Warm regards

Vivek Namasivayam  
For Shanthi Housing Society

Copied here are:

- Mr. Kuldeep Singh, Member, Ulsoor Gurudwara
- Mr. Rishipal Singh, Assistant Manager, Ulsoor Gurudwara
- Mr. Satish Rao, Honorary Treasurer, Shanthi Housing Society

---

**From :** viveknamasivayam@student.purdueglobal.edu

Wed, Jun 29, 2022 05:53 PM

**Subject :** KSPCB Letter to Ulsoor Gurudwara, Shanthi Society

To : Bangalore City East KSPCB Bangalore  
<bngcityeast@kspcb.gov.in>

Cc : raosatishs@yahoo.co.in, sgssblr@gmail.com,  
kuldeep@fourelevenindia.com

To:

The Environmental Officer,  
Karnataka State Pollution Control Board  
Regional Office: Bangalore City East,  
Nisarga Bhavan, 3<sup>rd</sup> Floor, 7<sup>th</sup> D Main,  
Thimmaiah Road, Shivanagar,  
Bangalore – 560010

Dear Shri Padmanabhan

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- After receipt of your letter, I've just now discussed this matter with Ulsoor Gurudwara management, to iron out any misunderstanding that may crop up due to this.

Kindly acknowledge this email, which may be treated as formal communication from Shanthi Society.

Thank you,

Warm regards

Vivek Namasivayam  
For Shanthi Housing Society

Copied here are:

- Mr. Kuldeep Singh, Member, Ulsoor Gurudwara

## Annexure-IV

### Photographs taken during Joint Committee Inspection on 01.07.2022











IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27<sup>TH</sup> DAY OF JANUARY, 2016

BEFORE

THE HON'BLE MR.JUSTICE S.ABDUL NAZEER

WRIT PETITION No.52606 OF 2015 (LB-BMP)

BETWEEN:

JASVINDER SINGH  
S/O DALIP SINGH OBHAN (LATE )  
AGED ABOUT 54 YEARS,  
RESIDENT OF 46/2 -1<sup>ST</sup> A MAIN  
6<sup>TH</sup> E CROSS NANJAPPA LAYOUT,  
ADUGODI, BANGALORE - 560 030.

... PETITIONER

(BY SRI RAJ PRABHU.S, ADV.)

AND:

1. STATE OF KARNATAKA  
REPRESENTED BY PRINCIPAL  
SECRETARY, URBAN DEVELOPMENT  
DEPARTMENT, VIDHANA SOUDHA  
BANGALORE - 560 001.
2. BRUHAT BENGALURU MAHANAGARA PALIKE,  
N.R. SQUARE, BANGALORE - 560 002  
REPRESENTED BY ITS ADMINISTRATOR
3. THE COMMISSIONER,  
BRUHAT BENGALURU MAHANAGARA PALIKE,  
N.R. SQUARE BANGALORE - 560 002
4. CHIEF ENGINEER,  
STORM WATER DRAINS BBMP,  
JAYANAGAR SHOPPING COMPLEX,  
BANGALORE - 560 011.



This Certified copy contains 3 Pages  
And Copying charges of ₹ 15 is  
Received

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True Copy

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5. JOINT COMMISSIONER EAST,  
BBMP, MAYO HALL, BANGALORE - 01
6. EXECUTIVE ENGINEER SHIVAJINAGAR  
BBMP, QUEENS ROAD,  
BANGALORE - 560 001
7. ASSISTANT EXECUTIVE ENGINEER  
SHIVAJINAGAR, BBMP  
NEAR MEG CENTER MAIN GATE,  
ULSOOR, BANGALORE - 08
8. ASSISTANT ENGINEER, ULSOOR  
WARD NUMBER 90 BBMP,  
NEAR MEG CENTER MAIN GATE,  
ULSOOR, BANGALORE - 08

... RESPONDENTS

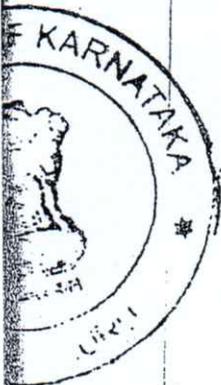
(BY SRI V.G.BHANUPRAKASH, AGA FOR R1  
SRI S.N.PRASHANTH CHANDRA, ADV. FOR R2 TO R8)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO IMMEDIATELY REMOVE THE ENCROACHMENT ON THE STORM WATER DRAIN ADJACENT TO THE GURUDWARA SRI GURU SINGH SABHA ULSOOR BANGALORE.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT PASSED THE FOLLOWING:

### ORDER

In this case, the petitioner has filed a representation requesting respondent No.3 to remove the encroachment on the storm water drain adjacent to the Gurudwara Sri Guru Singh Sabha Ulsoor,



Bangalore. Since the said representation has not been considered, petitioner has filed this writ petition for a direction to the respondent BBMP to remove the aforesaid encroachment.

2. Having heard the learned counsel for the parties, I am of the view that the 3rd respondent has to consider the representation at Annexure-H within a time frame. Therefore, the 3rd respondent is directed to consider the said representation in accordance with law within a period of three months from the date of receipt of copy of this order, if it has not been considered so far. Writ petition is disposed of accordingly. No costs.

Sd/-  
JUDGE



**'TRUE COPY'**  
*[Signature]*  
Section Officer  
High Court of Karnataka  
Bangalore-560001

- a) The date on which the application was made 10/3/16
- b) The date on which charges and additional charges if any are called for 11/3/16
- c) The date on which charges and additional charges are received 11/3/16
- d) The date on which copy is ready 11/3/16
- e) The date on which copy is required 16/3/16
- f) The date on which the copy is delivered to the applicant 14/3/16
- g) Examined by [Signature]

This is the Annexure <sup>P</sup> stated in the Affidavit of Jasvinder Singh

*[Signature]*  
**M. S. BALLAL**  
Advocate & N

**True Copy**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24<sup>TH</sup> DAY OF NOVEMBER, 2016

PRESENT:

THE HON'BLE Mr. JUSTICE S.ABDUL NAZEER

AND

THE HON'BLE Mrs. JUSTICE K.S.MUDAGAL

CCC (Civil) NO.632 OF 2016

Between:

Mr. Jasvinder Singh  
S/o. late Dalip Singh Obhan  
Aged about 55 years  
Residing at No.D-2/121  
DLF New Town, Akshayanagar  
Begur Post, Bengaluru - 560 114.

... Complainant

(By Sri.Raj Prabhu, Adv.)

And:

1. Shri. Manjunath Prasad N., IAS  
Aged about 52 years  
Commissioner  
Bruhat Bengaluru Mahanagara Palike  
N.R.Square, Bengaluru - 560 002.
2. Mr.G.Kumar Naik, IAS  
Ex-Commissioner BBMP  
Aged about 53 years

This is the Annexure..... stated in the  
Affidavit of.....

*MSB*  
**M. S. BALLAL**  
Advocate & Notary (Govt. of India)  
Reg. No. 2374 Bengaluru.

True Cc

R/at Flat No.39, Krishna Gardenia Apartment  
5<sup>th</sup> main, RMV 2<sup>nd</sup> Stage, Dollars Colony  
Bengaluru - 560 094.

... Accused

(By Sri.K.N. Puttegowda, Adv.)

This CCC is filed under Sections 11 & 12 of the Contempt of Courts Act, 1971, praying to initiate contempt proceedings against the 1<sup>st</sup> accused and 2<sup>nd</sup> accused concerned for having disobeyed this Hon'ble Courts order in writ petition No.52606/2015 dated 27.01.2016.

This CCC coming on for orders, this day, **S.Abdul Nazeer J.**, made the following:

**ORDER**

In this case, the complainant has sought for punishing the accused on the ground of non-compliance of the order of this Court in W.P.No.52606/2015 dated 27.01.2016.

2. The accused have filed a memo along with the communication dated 18.11.2016. It is clear from this communication that the accused have complied with the order. Reserving liberty to the complainant to challenge the communication dated 18.11.2016, if so advised, in

accordance with law, the proceedings are dropped. No costs.

Sd/-  
Judge

Sd/-  
Judge

SA/-

This is the Annexure <sup>E</sup> stated in the Affidavit of Jasvinder Singh

*M/SB*  
**M. S. BALLAL**  
Advocate & Notary (Govt. of India)  
Reg. No. 2374, Bengaluru.

*10*  
**True Copy**



**BRUHAT BENGALURU MAHANAGARA PALIKE**

No.BBMP/CE/SWD/PR /342/16-17

Office of the chief Engineer  
Storm water drain, Jayanagar 4<sup>th</sup> Block,  
Shopping complex, 9<sup>th</sup> floor,  
Bangalore-560 011  
Dated: 18-11-2016

To,  
Sri. Jasvinder Singh,  
D2D-121, West End Heights,  
DLF New Town,  
Akshayanagar,  
Bangalore 560068.

**Sub:** Your representation dated: 05-06-2015

Annexure 'H' produced in writ petition.

**Ref:** 1) writ petition No.52606 of 2015 (LB BMP)

Order dtd: 27-01-2016

2) Contempt petition No.632/2016

3) Order of the Commissioner, BBMP, Dated:18-11-2016.

\*\*\*\*\*

With reference to above, we have gone through the representation dtd: 05-06-2015, Order dtd 27-01-2016 passed in WP No.52606 of 2015 and the letter given by Sri.Guru Singh sabha (regd.) dtd: 26-10-2016 and documents produced therein. Thereafter the Executive Engineer, Assistant Executive Engineer, Assistant Engineer, inspected the property in question and submitted a report.

The main contention of the writ petitioner is that the management of Sri. Guru Singh sabha encroached the storm water drain adjacent to Gurudwara, Ulsoor, B'lore and to remove the said encroachment.

Registered gift deed dtd:17-10-1952 executed by the then corporation of the city of B'lore by gifting a property measuring 4522 sqft situated in Kensington road, civil station, B'lore in favour of Sri.Guru Singh sabha.

Sri.Guru Singh sabha produced registered deed of lease dtd: 11-01-1980 entered between itself and the then corporation of the city of B'lore and corporation has leased corporation land measuring 8284 sqft adjacent to Gurudwara over the municipal drain behind the existing building, Kensington road, Ulsoor ,B'lore bounded by

East by: Drain

West by: Kensington road

North by: Private property

South by: Drain.

and produced a certificate dtd: 04-07-1977 showing that the then administrative officer exempted from paying property tax and they have further contended that.

Sri.Guru Singh Sabha further produced a resolution dtd: 13-07-1995 passed by the then administrator of Bangalore Mahanagara Palike permitting to cover the storm water drain with permission of the Government of Karnataka and thereafter the Government of Karnataka passed an order dtd: 29-05-1996 and permitted the Sri.Guru Singh Sabha to cover the drain at its cost with a condition the free flow of water should not be affected and as and when it required to clean at the cost of Gurudwara it should be clear and on the basis of Government order the then Executive engineer sanctioned the plan on 06-06-1996 for covering the drain by erecting slab there will not be any problem for flowing of the water and due to personal vengeance the writ petitioner filed a complaint and the same may be rejected.

The Executive Engineer, Assistant Executive Engineer and Assistant Engineer inspected the spot and found that the Gurudwara management covered the drain by erecting slab as permitted for parking of their vehicles and to facilitate the devotee's easy movement during festival seasons.

The officers who visited the Gurudwara also found that the Gurudwara management is running a public school commencing from 1<sup>st</sup> to 10<sup>th</sup> standard particularly for backward and downtrodden students with free education and food. The school is constructed in the land gifted in the year 1952 in 4522 sqft of land.

The activities of Sri.Guru Singh Sabha is not causing any inconvenience to public and covering of drain by erecting concrete slab over the drain is permitted and it is not causing any blockage of drain. Therefore the representation of writ petitioner is rejected.

Yours faithfully

Sd/-

Chief Engineer

Storm water drain

Bruhat Bengaluru Mahanagara Palike

Bangalore

1. Copy submitted to the commissioner, BBMP for kind information.
2. Copy to the Head of the legal cell, BBMP for information and necessary action.
3. Copy to Sri. K.N. Puttegowda, Advocate for information and necessary action.
4. Office copy.

Chief Engineer

Storm water drain

Bruhat Bengaluru MahanagaraPalike

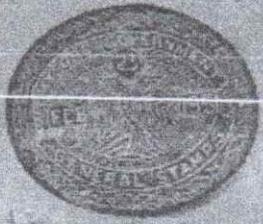
AFC

Handwritten notes and stamps at the top of the page, including the number '2222' and various illegible scribbles.

THIS DEED OF GIFT MADE this 27 day of October, One Thousand Nine Hundred and Fifty Two between the Corporation of the City of Bangalore by its Commissioner hereinafter called the 'DONOR' of the CH. PART and Sri Guruswami Saha, Kensington Road, Civil Station, Bangalore by its President, ~~Madhavan~~ hereinafter called the 'DONEE' which term shall mean and include his successors in office of the CH. PART.

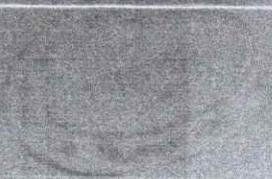
WHEREAS the DONOR granted to the CORPORATION under letter dated 28th June 1950 for the grant of land around the 'GURUSWAHA', free of cost for the use of the Sri Guru Saha Sabha; and whereas the Corporation resolved at the meeting held on 10th December 1950 to grant the land applied for by the Donee, specifically described in the schedule hereto, free of cost and provided in the said Resolution that the Donee shall deposit the requisite cost to straighten the channel near the Gurudwara; and whereas the Donee deposited the cost in the terms of the Resolution.

NOW THIS DEED WITNESSETH that in pursuance of the Resolution of the Board of Directors, transfer and conveyance into the name of GIFT all that vacant land and areas ~~of the CH. PART~~ and areas ~~of the CH. PART~~ in office cross to use the schedule land for the purpose



Handwritten signature and text at the bottom of the page, including the name 'Commissioner' and 'Corporation of the City of Bangalore'.

1953



Presented to the City of New York  
November 20, 1953

Harvey

was underpinned under a General Order  
of the City of New York, No. 182, of the 10th March, 1953. Registered in the  
City of New York, No. 20-10-1953

Shelburne  
Proclamation of the City of New York (Case)  
No. 20-10-1953

Harvey

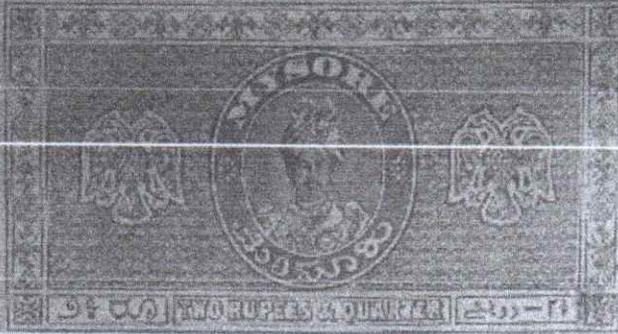
Presented by  
J. P. ...

10786

Shelburne

1953

2293  
1/10



- 2 -

addressed that it shall revert to the Donor and the Donor shall have the right to revoke the Gift.

SECTION III.

The vacant plot of land around the 'Corporation' measuring 4522 square feet, situated at Kensington Road, Civil Station, Bangalore, the boundaries and all other particulars being as per plan annexed.

Dated this 14th day of 1915/-

IN WITNESS WHEREOF THE Commissioner acting for and on behalf of the Corporation has hereunto set his hand and the seal of the Corporation the day, month and year first above written.

Signed, sealed and delivered by the Donor in the presence of:-

1. *[Signature]*
2. *[Signature]*

Accepted by the said Donor and signed by him in token of such acceptance.

Witness:-

1. *[Signature]*

*[Signature]*  
President





ੴ ਸਤਿਗੁਰ ਪ੍ਰਸਾਦਿ ॥

# SRI GURU SINGH SABHA (Regd.)

(A Sikh Religious & Linguistic Minority Organisation)



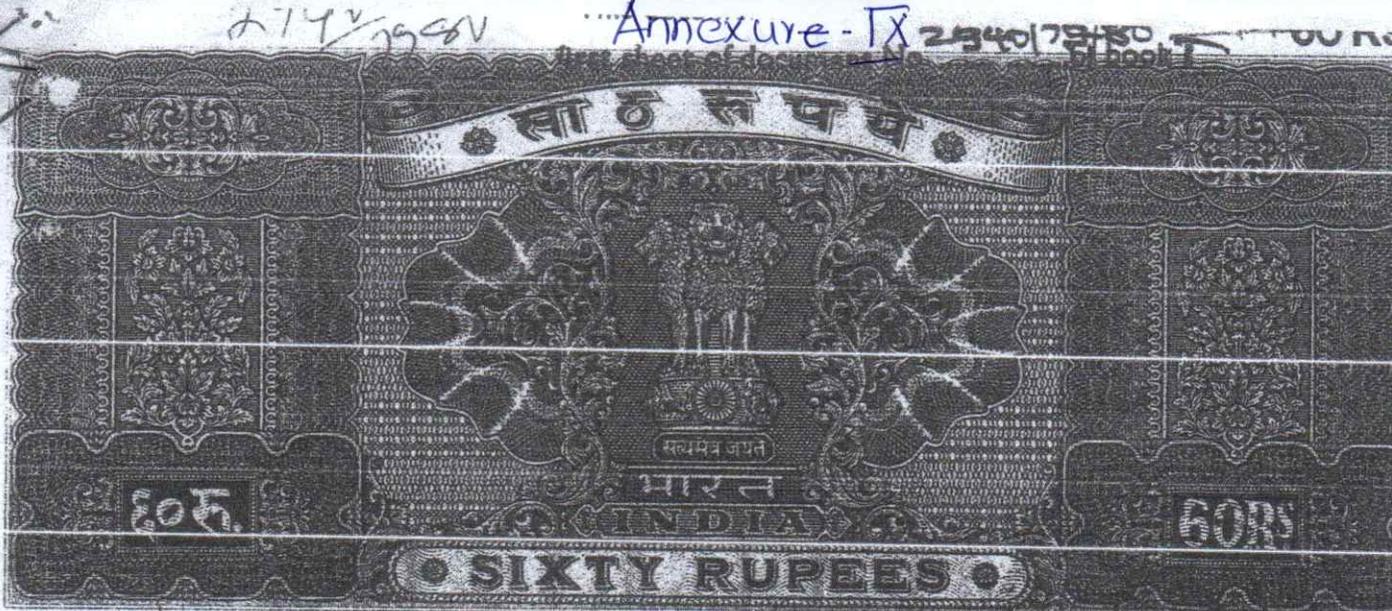
## ANNEXURE-5

350	52	284-1	Ajya Sany Pitri Chattran	8-3-74		80	F	It is held as Ajya Sany Pitri Chattran and managed by Sri P. Ganeshan. There are no documents except an affidavit filed by Sri P. Ganeshan. sd/ 25/7/75 E.O. No. 100	10-74
351		1694-2	V. R. Gopi Chand rappa.	8-3-74	V. R. Gopi Chand rappa	Accepted & Confirmed	87	A	Holder :- Sri V. R. Gopi Chand rappa S/o Ranga Reddy Due to partition regd. as No. 100 dated 17-7-61. Enc. Nil. sd: 25/7/75
352	17	138-5	Chattran	8-3-74	Partly Absent	Accepted & Confirmed as per P.T. Sheet	89	A	Holder :- Chattran of late Sri Mani Chand Chattran No documents - local enquiry. sd/ 25/7/75
353		1406-0	Gurudwara	8-3-74	Abnase. Singh Abnang	- Do -	93	A	Holder :- Sikh Gurudwara. Land gifted by Preetan Singh No Records produced regarding land sanctioned by Corporation sd/ 25/7/75
354	10	688-6	P. Chattran Singh	8-3-74	Sri. Utam Singh	Accepted & Confirmed	92	A	Sri Utam Singh S/o. Preetan and his wife Smt. Takrawati Kaur and his brother Sri Chattran Singh have 1/4 share, 1/4 share and 1/2 share respectively. They are Joint holders of the property. E.c. nil. sd 25/7/75

For Sri Guru Singh Sabha

President V. President  
Gen. Secretary/Treasurer

Scanned by CamScanner



A

THIS DEED of lease is executed on the .....11<sup>th</sup> day of January 1980 between Corporation of the City of Bangalore, represented by its Deputy Commissioner (R) Sri.K.P. Narayan, B.Sc., Corporation Offices, Bangalore, hereinafter called the Lessor which term shall mean and include its successors and assigns of the one part and Sri Guru Singh Sabha, Kensington Road, Ulsoor represented by its President Sri.Dharshan Singh Sethi hereinafter called the Lessee which terms shall mean and include its successors and assigns of the other part:

Whereas at the request of the Lessee, the Administrator in his Proceedings dated 5-9-76 subject No.149 exercising the powers of the standing committee (Town Planning and improvement) and corporation resolved to grant the land measuring 8284 square feet adjacent to Gurudwara over the Municipal drain behind the existing building, Kensington Road, Ulsoor Bangalore on lease to the Lessee a period of 50 years on a lease amount of Rs.200/- per annum.

Whereas the Government of Karnataka in their order No.HMA 524 MNG 76 dated 5-7-79 accorded sanction to the said proceedings of the administrator vide subject No.149 dated

9

1980

873-75 Rs. 60.00

No. Smt/Sri. Sri. Guru Singh Sabha

Date. 8.1.80

H. K. VASUDEVA

STAMP VENDOR

No. 69, 1st Main;  
Seshadripuram, B'lore-20.

- 2 -

lease amount is fixed at Rs.200/- (Rupees two hundred only) per annum.

Whereas the Lessee has deposited with the Lessor a sum of Rs.600/- vide receipt No.6286 dated 27.11.79 equivalent to the lease amount for three years ~~tax~~ and has paid to the Lessor a sum of Rs.200/- (Rupees two hundred only) being the lease amount for one year in advance vide receipt No.6287 dated 27-11-79.

Now, the terms and conditions of the lease agreed between the Lessor and the Lessee are as follows:

1. The Lessor hereby grants to the lessee, Corporation land measuring 8284 sq. feet adjacent to gurudwara over the Municipal drain behind the existing building at Kensington Road, Ulsoor, Bangalore more fully described in schedule hereby below and marked as Red in the Sketch annexed hereto for a period of 50 years from this day on a lease amount of Rs.200/- per annum

FOR SRI GURU SINGH SABHA

*[Signature]*

Contd...3.



2. The Lessee shall pay to the Lessor the said lease amount of Rs.200/- (Rupees two hundred only) per annum every year in advance by the end of October commencing from January 1981, the lease amount for the current year having already been paid in advance as aforesaid.

3. The Lessee shall use the schedule land only for its purpose by covering the drain with R.C.C. subject to the designing of Pillars and slabs being approved by the chief Engineer of the corporation.

4. The Lessee shall not sub lease or part with possession of the Schedule land or any portion thereof in any manner what so ever,

5. On breach of any of the foregoing terms and conditions required to be complied with by the lessee, the Lessor shall be entitled to terminate the lease by issue of a notice and resume possession of the Schedule land with the building if any put up thereon

For SRI GURU SINGH SABHA

*[Signature]*  
President



873-75 60.00  
No. ....

Smt/Sri. Sri Guru Singh Sabha

Date. 8.1.80

H. K. VASUDEV  
STAMP VENDOR  
No. 69, 1st Main,  
Seshadripuram, B'lore-20.

- 4 -

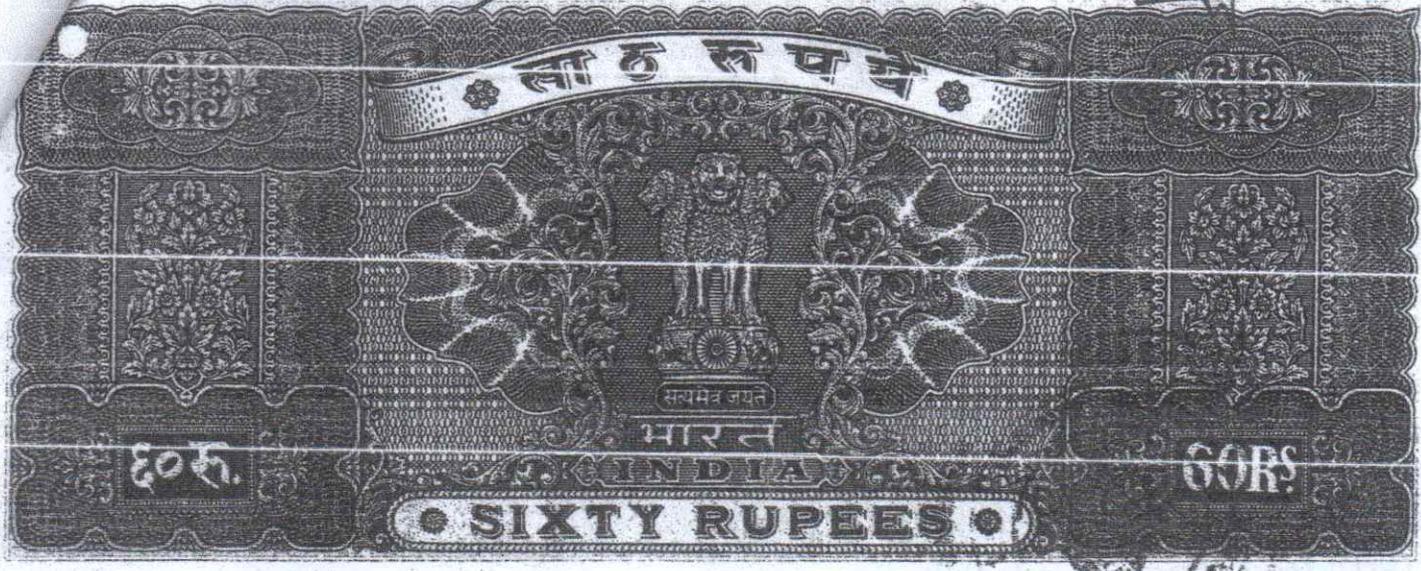
without liability to pay any compensation thereof not withstanding the unexpired period of the lease.

6. On the Expiry of the period of lease of 50 years, the Lessee shall surrender possession of the Schedule land with the building standing thereon without claiming any compensation thereof, failing which the lessor shall be entitled to re-enter and take possession thereof without recourse to a court of law.

7. On the expiry of the said period of lease of 50 years and the Lessee surrender possession of the land to the Lessor and aforesaid, and latter shall refund to the former the said deposit of Rs.600/- (Rupees six hundred only) without interest.

8. With the consent of the Lessor, the Lease shall however liable to be renewed for a further period on such terms and conditions as may be mutually agreed to between the parties.

For SRI GURU SINGH SABHA



- 5 -

Corporation land: measuring 8284 sq. feet adjacent to Gurudwara over the Municipal drain behind the existing building, Kensington Road, Ulsoor, Bangalore bounded on:

- East by : Drain
- West by : Kensington Main Road
- North by : Private property
- South by : Drain

In witness whereof the parties hereto have signed this deed of lease on the day, month and year first above written.

Witnesses:

1. *Antarim Gani*  
C/O MANJOG  
85-K.M. Rd  
Bangalore-27

*[Signature]*  
LE ~~Deputy Commissioner~~  
REVENUE  
For **BRI GURU SINGH SABBH**  
Corporation of Bangalore

2. *M. Chandan Rao*  
No. 1073/2 Vyasa Kund  
12th Cross  
Bangalore-3.

*[Signature]*  
LESSEE  
President

*1 A. M. H.*

1980

373-75 No. Rs. 60.00

Smt/Sri. Sri Guru Singh Sabha

Date. 8.1.80

H. K. VASUDEV  
STAMP VENDOR  
No. 69, 1st Main;  
Beshadripuram, B'lore-20.

Presented in the Office of the  
Sub-Registrar of Bangalore Shivajinagar  
between the Hours of 11.00 and 1.30  
16/1/80 by

RECEIVED FEE FOR:-	Rs:	Pcs
Registration	12	1
Copying (folios)	3	1
Copying Endorsements	1	1
Misc. Fee Under Sec	1	1
Postage		
<b>Total Rs.</b>	<b>20</b>	<b>5</b>

SRI GURU SINGH SABHA  
*[Signature]*  
President  
EXECUTION ADMITTED BY

For SRI GURU SINGH SABHA  
*[Signature]*  
President

I have satisfied myself as to the  
execution of the document by  
*[Signature]*  
I am exempted from personal  
appearance under Sec. 88 of the  
Indian Registration Act.

Regd. as No. 2940 of 79-8  
Page 229 Volume 1998 of Book I &  
Subduns 3. Vol. 52. Page 12.  
Date. 16.1.80. Sub-Registrar

IDENTIFIED BY  
*[Signature]*  
1073/2 by clerical  
1215 Gray.  
Mellenn  
Bangalore



Sub-Registrar,  
Shivajinagar, Bangalore - 16/1

1380

873-75 No. Rs 60.00.

Smt/Sri Sri Guru Singh Sabha

Date 8.1.80

H. K. VASUDEV

STAMP VENDOR

No. 69, 1st Main;

Seshadripuram, B'lore-20.

Presented in the Office of the Sub-Registrar of Bangalore Shivajinagar

between the Hours of 11.00 and 1.30

16/1/80 by

RECEIVED FEE FOR:-	Rs:	Pst:
Registration	10.00	
Copying (folios)	3.00	
Copying Endorsements	1.00	
Misc. fee Under Sec	1.00	
Postage		
<b>Total Rs.</b>	<b>15.00</b>	

SRI GURU SINGH SABHA

*[Signature]*

President

EXECUTION ADMITTED BY

For SRI GURU SINGH SABHA

*[Signature]*

President

I have satisfied myself as to the execution of the document by

*[Signature]*

to be Executed from personal appearance under Sec. 68 of the Indian Registration Act.

Regd. as No. 2940 of 79-80

Page 223 Volume 1998 of Book I & II

Sub-Registrar 16.1.80

Date 16.1.80 Sub-Registrar

IDENTIFIED BY

M. Chandrasekhar  
1073/2 Vyasaiah  
12th Cross  
Maddur  
Bangalore



Sub-Registrar, Shivajinagar, Bangalore - 16/1

**Bruhat Bengaluru Mahanagara Palike**  
Office of Assistant Revenue Officer Shivajinagar East Zone



**Receipt**  
(General Purpose)  
[para 22(1)]

Receipt Number : RE-ifms064-Misc / 000023      DDO : ddo064 Assistant Revenue Officer Shivajinagar East Zone  
Receipt Date : 01-Oct-2020      Ward : 090 Halsoor  
Reference : / 01-Oct-2020      Credited : Canara Bank, Bangalore City Corpn. E.C. (Cor)  
to : (CNRB0008401) - 8401132000019 (Misc)

Received the sum of Rs. 1180.00 (One Thousand One Hundred Eighty ) from

Mri/Smt Secretary Guru Singh Saba  
to 31, Kensington Road, Uisoor, Bangalore  
Bengaluru

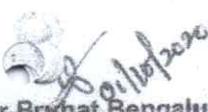
towards the following -  
Lease Amount for the Year 2016-17 to 2020-21 Total 5 Years (Per Year 200 x 5 = 1000)

Sl No	Name	Misc.	Amount	Remarks
	R0172 Rent from Lease of Properties		1180.00	

Amount received as :

Sl No	Type	Bank	Chq/DD No.	Chq/DD Dt.	Amount
	Cash	-			180.00
	DD	Punjab And Sind Bank, Punjab And Sind Bank (Psb)	211912	03-Sep-2020	1000.00
<b>Total</b>					<b>1180</b>

Tax Invoice : IN-ifms064-Misc/000001/01-Oct-2020

  
for Bruhat Bengaluru Mahanagara Palike  
Assistant Revenue Officer  
Shivajinagar East Zone

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸದನಗಳು

Annexure - J

ದಿವ್ಯಯ: ಅನುಸಾರಿಸ ಕನ್ನಿಂಗ್‌ಹ್ಯಾಮ್ ರಸ್ತೆಯಲ್ಲಿರುವ ಗುರುನಿಂಗಿ ಸ್ಥಳಾ ರೀವಾಲ್ಯೂಷನ್ ಪಕ್ವದೊಂದು ದೊಡ್ಡ ಪರಂಪರೆಯನ್ನು ಮುಚ್ಚಲು ಅನುಮತಿ ನೀಡುವ ಬಗ್ಗೆ.

ಒದಲಾಗಿದೆ: ಅಯ್ಯುಕ್ತರು ಮುಜಾನಗರ ಪಾಲಿಕೆ ಕಛರ ಪತ್ರ ನಂ. 138; ಭವನ: ಎಚ್. 1008: 84-85 ದಿನಾಂಕ 27-2-1986.

ಪ್ರಸ್ತಾವನೆ:

ಬೆಂಗಳೂರಿನ ಅನುಸಾರಿಸ ಶ್ರೀ ಗುರುನಿಂಗಿ ಸ್ಥಳಾ ಗುರುದ್ವಾರದ ಪಾಶ್ಚಾತ್ಯರೂಪ ಪರಂಪರೆಯು ನೀರು ನರಾಗವಾಗಿ ಪಂದು ಹೋಗುವಂತೆ ಬಾಗು ಪಾಪ ನಿಲುಗಡೆ ಮತ್ತು ಭಕ್ತಾದಿಗಳು ಹುಟ್ಟು ಪಂದಿಸಗಳೂ ಸಂದರ್ಶಿಸಲು ಸೂಕ್ತ ವ್ಯವಸ್ಥೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಸದರಿ ಪರಂಪರೆಯನ್ನು ಗುರುದ್ವಾರದ ಖರ್ಚಿನಲ್ಲಿ ಮುಚ್ಚಲು ಅಧಿಕಾರಿಗಳಾದ ದಿನಾಂಕ 18-7-84 ರ ದಿವ್ಯಯ ನಂ. 138 ರ ನಿರ್ಣಯಕ್ಕೆ ಸಿದ್ಧವೆಂದು ತಿಳಿಸಿ, ಈ ನಿರ್ಣಯಕ್ಕೆ ಸರ್ಕಾರದ ಅನುಮೋದನೆಯನ್ನು ಬೆಂಗಳೂರು ಮುಜಾನಗರ ಪಾಲಿಕೆಯ ಅಯ್ಯುಕ್ತರು ಕೋರಿಕೊಂಡರು. ಸದರಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದೆ. ಅದರಂತೆ ಈ ಆದೇಶ.

ಸರ್ಕಾರದ ಆದೇಶ ನಂ. 138 ಭವನ 1008 ದಿನಾಂಕ 29-5-1986

ಪ್ರಸ್ತಾವನೆಯಂತೆ ವಿವರಿಸಿರುವ ಸನ್ನಿವೇಶದಲ್ಲಿ ಅನುಸಾರಿಸ ಶ್ರೀ ಗುರುನಿಂಗಿ ಸ್ಥಳಾ ಗುರುದ್ವಾರದ ಪಾಶ್ಚಾತ್ಯರೂಪ ಪರಂಪರೆಯು ಪರಿಯುವ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ರೀತಿಯಂತೆ ಗುರುದ್ವಾರದ ಖರ್ಚಿನಲ್ಲಿ ಪರಂಪರೆಯನ್ನು ಮುಚ್ಚಲು ಬಾಗು ಸದರಿ ಅರಂಭಿಯ ಮೇರೆ ಯಾವುದೇ ರೀತಿಯ ಕಟ್ಟಡವನ್ನು ಕಟ್ಟಬಾರದೆಂಬ ಬಾಗು ಪರಂಪರೆಯನ್ನು ಸ್ಪಷ್ಟಗೊಳಿಸುವ ಅಗತ್ಯತೆ ಬಂದಾಗ, ಬೆಂಗಳೂರು ಮುಜಾನಗರ ಪಾಲಿಕೆಗೆ ಸ್ಪಷ್ಟಗೊಳಿಸಲು ಹುಟ್ಟು ಕೋಡೀಕೆಂಬ ಪರಿಶೀಲನೆಯನ್ನು ಬೆಂಗಳೂರು ಮುಜಾನಗರ ಪಾಲಿಕೆಯ ಅಧಿಕಾರಿಗಳ ದಿನಾಂಕ 13-7-84ರ ದಿವ್ಯಯ ನಂ. 138 ರ ನಿರ್ಣಯಕ್ಕೆ ಸರ್ಕಾರ ಅನ್ನ ಮಂಜೂರಾತಿಯನ್ನು ನೀಡಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯವಾಲರ ಅಧೀನನಾರ  
ಮತ್ತು ಅಪರ ನಿರ್ದೇಶಕರು,  
(ಅ.ಸಂ.ಗಾಂ),  
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,  
ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ.

- 1) ಅಧಿಕಾರಿಗಳಾದ, ಬೆಂಗಳೂರು ಮುಜಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು.
- 2) ಅಯ್ಯುಕ್ತರು, ಬೆಂಗಳೂರು ಮುಜಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು.
- 3) ಶ್ರೀ ಗುರುನಿಂಗಿ ಸ್ಥಳಾ, ಕನ್ನಿಂಗ್‌ಹ್ಯಾಮ್ ರಸ್ತೆ, ಅನುಸಾರಿಸ, ಬೆಂಗಳೂರು.
- 4) ಯಾವುದೇ ಪ್ರತಿ : ಅನುಸಾರಿಸ ರೂಪ ಕಟ್ಟಡ.

೧.





2

**BRUHAT BENGALURU MAHANAGARA PALIKE**

No.BBMP/CE/SWD/PR/34316-17

Office of the chief Engineer  
Storm water drain, Jayanagar 4<sup>th</sup> Block,  
Shopping complex, 9<sup>th</sup> floor,  
Bangalore-560 011  
Dated: 18-11-2016

To,  
Sri. Jasvinder Singh,  
D2D-121, West End Heights,  
DLF New Town,  
Akshayanagar,  
Bangalore 560068.

Sub: Your representation dated: 05-06-2015

Annexure 'H' produced in writ petition.

Ref: 1) writ petition No.52606 of 2015 (LB BMP)

Order dtd: 27-01-2016

2) Contempt petition No.632/2016

3) Order of the Commissioner, BBMP, Dated:18-11-2016.

\*\*\*\*\*

With reference to above, we have gone through the representation dtd: 05-06-2015, Order dtd 27-01-2016 passed in WP No.52606 of 2015 and the letter given by Sri.Guru Singh sabha (regd.) dtd: 26-10-2016 and documents produced therein. Thereafter the Executive Engineer, Assistant Executive Engineer, Assistant Engineer, inspected the property in question and submitted a report.

The main contention of the writ petitioner is that the management of Sri. Guru Singh sabha encroached the storm water drain adjacent to Gurudwara, Ulsoor B'lore and to remove the said encroachment.

Registered gift deed dtd:17-10-1952 executed by the then corporation of the city of B'lore by gifting a property measuring 4522 sqft situated in Kensington road, civil station, B'lore in favour of Sri.Guru Singh sabha.

Sri.Guru Singh sabha produced registered deed of lease dtd: 11-01-198 entered between itself and the then corporation of the city of B'lore and corporation has leased corporation land measuring 8284 sqft adjacent to Gurudwara over the municipal drain behind the existing building, Kensington road, Ulsoor, B'lore bounded by

East by: Drain

West by: Kensington road

North by: Private property

South by: Drain.

This is the Annexure... stated in the  
Affidavit of Jasvinder Singh

*M.S.B.*

**M. S. BALLAL**

Advocate & Notary (Govt. of India)  
Reg. No. 2374, Bengaluru.

KL INDIAPOST (360043)

A RKK029510881M

Counter No.1, CP-Order/MSU

To: JASVINDER SINGH,

Bommanahalli S.D (Bangalore, PIN:560068)

From: CHIEF ENGINEER, IG 11

WT:10grams.

Act:22.00 ,19/11/2016 ,12:30

Track on www.indiapost.gov.in



True Copy

16

3

and produced a certificate dtd: 04-07-1977 showing that the then administrative officer exempted from paying property tax and they have further contended that.

Sri.Guru Singh Sabha further produced a resolution dtd: 13-07-1995 by the then administrator of Bangalore Mahanagara Palike permitting to cover the storm water drain with permission of the Government of Karnataka and thereafter the Government of Karnataka passed an order dtd: 29-05-1996 and permitted Sri.Guru Singh Sabha to cover the drain at its cost with a condition the free flow of water should not be affected and as and when it required to clean at the cost of Gurudwara it should be clear and on the basis of Government order the Executive engineer sanctioned the plan on 06-06-1996 for covering the drain by erecting slab there will not be any problem for flowing of the water and due to personal vengeance the writ petitioner filed a complaint and the same may be rejected.

The Executive Engineer, Assistant Executive Engineer and Assistant Engineer inspected the spot and found that the Gurudwara management covered the drain by erecting slab as permitted for parking of their vehicles and to facilitate the devotional easy movement during festival seasons.

The officers who visited the Gurudwara also found that the Gurudwara management is running a public school commencing from 1<sup>st</sup> to 10<sup>th</sup> standard particularly for backward and downtrodden students with free education and food. The school is constructed in the land gifted in the year 1952 in 4522 sqft of land.

The activities of Sri.Guru Singh Sabha is not causing any inconvenience to public and covering of drain by erecting concrete slab over the drain is permitted and it is not causing any blockage of drain. Therefore the representation of writ petitioner is rejected.

Yours faithfully

Sd/-  
Chief Engineer  
Storm water drain  
Bruhat Bengaluru Mahanagara Palike  
Bangalore

1. Copy submitted to the commissioner, BBMP for kind information.
2. Copy to the Head of the legal cell, BBMP for information and necessary action.
3. Copy to Sri. K.N. Puttegowda, Advocate for information and necessary action.
4. Office copy.

*D. S. S.*  
True Copy

Chief Engineer  
Storm water drain  
Bruhat Bengaluru Mahanagara Palike  
*Agar*











Sl. No.	Parameters												
	<b>Physical Parameters</b>												
41	Total fixed Solids							92.0	90.0	86.0			
42	Dissolved phosphate												
43	Hexavalent chromium												
44	Mercury												
45	Manganese				0.059	0.5	7.7						
46	Arsenic												
47	Anionic Surfactants as Methylene blue active (MBA s)Substance												
	Fecal streptococci												
	Bicarbonate (HCO <sub>3</sub> )	108.0	108.0								112.0	132.0	
	Carbonate	56.0	64.0								Nil	Nil	
	Antimony (Sb)												
	Barium (Ba)												
	Cobalt(Co)												
	Strontium (Sr)												
	<b>Remarks</b>	Class 'D'	Class 'E'	Class 'E'	Class 'D'								





Sl. No.	Parameters											
	<b>Physical Parameters</b>											
41	Total fixed Solids											
42	Dissolved phosphate											
43	Hexavalent chromium											
44	Mercury	BDL										
45	Manganese	0.1	0.257	0.187	0.377	0.060	0.367	0.083		0.067	0.3	
46	Arsenic											
47	Anionic Surfactants as Methylene blue active (MBA s)Substance											
	Fecal streptococci											
	Bicarbonate (HCO <sub>3</sub> )											60.0
	Carbonate											Nil
	Antimony (Sb)	BDL										
	Barium (Ba)	0.1	0.113	0.1	0.086	0.066	0.090	0.090	0.135	0.068		
	Cobalt(Co)	BDL	BDL	BDL	0.002	BDL	0.002	BDL	BDL	BDL	BDL	
	Strontium (Sr)	0.1	0.519	0.119	0.420	0.112	0.433	0.164	0.889	0.127	0.7	
	<b>Remarks</b>	Class 'D '	Class 'D '	Class 'E '	Class 'D '	Class 'D '	Class 'D '	Class 'E '	Class 'E '	Class 'E '	Class 'D '	Class 'D '





	Sl. No.	Parameters											Sl. No.
		<b>Physical Parameters</b>											
	41	Total fixed Solids											41
	42	Dissolved phosphate											42
	43	Hexavalent chromium											43
	44	Mercury											44
	45	Manganese		0.065	BDL	0.05							45
	46	Arsenic											46
	47	Anionic Surfactants as Methylene blue active (MBA s)Substance											47
		Fecal streptococci											
84.0		Bicarbonate (HCO <sub>3</sub> )		92.0	84.0		56.0	76.0		96.0	132.0		
Nil		Carbonate		Nil	Nil		24.0	24.0		Nil	Nil		
		Antimony (Sb)											
		Barium (Ba)											
		Cobalt(Co)											
		Strontium (Sr)											
Class 'D'		Remarks	Class 'D'	Class 'E'	Class 'D'	Class 'D'	Class 'E'	Class 'D'					







**Monitoring Results of Ulsoor Lake**

**06.05.2022**

	Near fishing Centre	Near Temple	Lake water
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**Physical Parameters**

pH	7.8	7.7	7.3
Total Suspended Solids			
Total Dissolved Solids	234.0	236.0	
Turbidity	108.0	132.0	
Conductivity	340	341.0	360.0
Suspended Solids			

**Chemical Parameters**

BOD ( 3 days @ 27 <sup>0</sup> C)	17.0	26.0	12.0
Dissolved Oxygen	4.4	4.2	4.7
Sodium Absorption Ratio	53.0		
COD	177.0	271.0	
Oil & Grease			
Sulphate	11.0	10.0	
Chloride	52.0	52.0	
Nitrate as NO <sub>3</sub>	1.0	1.0	
Hardness as CaCO <sub>3</sub>	88.0	88.0	
Calcium as CaCO <sub>3</sub>	52.0	52.0	
Magnesium as MgCO <sub>3</sub>	36.0	36.0	
Boron	BDL	BDL	BDL
Total Kjeldal Nitrogen			

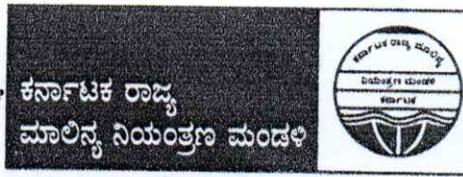
**Parameters**



<b>Parameters</b>				
<b>Physical Parameters</b>				
Total fixed Solids				
Dissolved phosphate				
Hexavalent chromium				
Mercury				
Manganese				
Arsenic				
Anionic Surfactants as Methylene blue active (MBA s)Substance				
Fecal streptococci				
Bicarbonate (HCO <sub>3</sub> )	92.0	92.0		
Carbonate	Nil	Nil		
Antimony (Sb)				
Barium (Ba)				
Cobalt(Co)				
Strontium (Sr)				
<b>Remarks</b>	Class 'D'	Class 'D'	Class 'D'	

Karnataka State Pollution Control Board  
Regional Office : Bangalore City East  
"Nisarga Bhavan", 3rd Floor, 7th 'D' Main,  
Thimmaiah Road, Shivanagar, Bangalore-560 010.  
Tel.: 080-23224830  
E-mail : bngcityeast@kspcb.gov.in

Annexure- XIII  
ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ  
ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ : ಬೆಂಗಳೂರು ನಗರ ಪೂರ್ವ  
"ನಿಸರ್ಗ ಭವನ", 3ನೇ ಮಹಡಿ, 7ನೇ 'ಡಿ' ಮುಖ್ಯರಸ್ತೆ,  
ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ, ಶಿವನಗರ, ಬೆಂಗಳೂರು-560 010.  
ದೂ.: 080-23224830  
E-mail : bngcityeast@kspcb.gov.in



towards a cleaner Karnataka

//BY RPAD//

No. PCB/BCE/Newly Identified/2022-23/382

DATE: 14 JUN 2022

To,  
The President,  
M/s. Gurudwara Sri Guru Singh Sabha  
Kensington road, Ulsoor, Bangalore-42

Sir,

Sub : Non compliance to the provisions of the Water (Prevention & Control Pollution) Act, 1974 and Air (Prevention & Control Pollution) Act, 1981 – Reg.  
Ref : Inspection of your location by the undersigned on 14.6.2022.

&&&&&&&

With reference to the above subject, it is to be informed that you have taken up the construction activity and engaged in alterations and modifications of the existing building of about 10000.00 sqmt built-up area and a sewage treatment plant of capacity of 50 KLD in the name & style of M/s. M/s. Gurudwara Sri Guru Singh Sabha located at Kensington road, Ulsoor, Bangalore-560 042. Your location was inspected by the undersigned on 14.6.2022.

During inspection the following non-compliances were observed;

1. You have taken up the construction activity and engaged in alterations and modifications of the existing building of about 10000.00 sqmt built-up area comprising basement+ longer floor + prayer halls.
2. During the inspection it was observed that, you have taken up the construction work on bed of Raj Kaluve, which is clear violation.
3. You have not obtained Consent for Establishment/ consent for operation under Water Act and Air Act for the proposed construction activity
4. You have not obtained NOC from BWSSB and plan approval from the BBMP and started the construction work..
5. You have proposed to provide STP of capacity 50 KLD and earmarked the area for providing the same for which you have not obtained approval from the Board.
6. You have installed 250 KVA DG Set as an alternative source of power supply and not provided with adequate chimney height and acoustics.
7. During inspection it was observed that, there is a drain passing adjacent to the compound wall of the Gurudwara Sri Guru Singh Sabha.

Further, it is brought to your notice that the Hon'ble National Green Tribunal has passed an order on 8.5.2013 in the application No.37/2013 & "directed to take suitable action against the units running without valid consent of the pollution control Board & function of all the illegally operating factories /industrial units shall immediately stopped.

The Water (Prevention and Control of Pollution) 1974, Act and the Air (Prevention and Control of Pollution) Act, 1981 have been enacted and notified by the Central Government.

The provisions of section 25 of Water Act and section 21 of the Air Act specify that "no person shall establish or take any steps to establish any industry, or operation or process, or any

treatment and disposal sewage and trade effluents into a stream or well or sewer or on land (such discharge being here in after in this section referred to as discharge of sewage) and "no person shall, without the previous Consent of the Board, establish or operate any industrial plant in an air pollution control area". The person or the concern carrying out the said activity shall have to file prescribed consent applications i.e., Form-XIII and Form-I as notified under the provisions of the said Acts to obtain consents of the Board for discharge of sewage effluents and air emissions into the specified place as notified from the Board and to discharge air emissions as per the standards notified from the Board.

The club was established, commissioned and being operated without valid consents of the Board which is violation on the part of industry authorities under Sec.25 and 21 of the above said Acts. Violation of the provision of Section 25 & 26 of water Act, 1974 is punishable under section 44 of the Water Act and violation of the provision of section 21 of the Air Act, is punishable under section 37 of the Air Act.

The details of the relevant provisions are as follows.

**Section 44 of Water Act, 1974:**

"Penalty for contravention of section 25 or section 26 ": Whoever contravenes the provisions of section 25 or section 26 shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.

**Section 37 of Air Act, 1981.**

"Penalty for contravention of section 21 ": Whoever contravenes the provisions of section 21 shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine.

**Section 33(A) of Water Act, 1974 & section 31(A) of Air Act, 1981:**

Board may, in the exercise of its powers & performance of its functions under these Acts issue any direction in writing to any person, officer or authority shall be bound to comply with such directions.

The power to issue directions under this section includes the power to direct:

- a) The closure, Prohibition or regulation of any industry operation or process, or
- b) The stoppage or regulation of supply of electricity, water or any other services.

Also to initiate criminal proceedings in the court of law under the provisions of said Acts. Hence, you are hereby informed to apply for consent of the Board within 7 days from the date of receiving this notice along with the following:-

1. Create separate user ID and password for your Club in XGN in Boards website [www.kspscb.karnataka.gov.in](http://www.kspscb.karnataka.gov.in) .
2. Detailed project report on your institution.
3. Google map showing the location of the unit.
4. Audited Balance fees for the previous year/ Capital Investment certificate..
5. Details of Air Emission Sources installed along with control measures.
6. Solid waste Management details.
7. About institution, land details, list of directors etc.
8. STP report along with design details.
9. Complete water balance of the organization.

You are also informed to make the application only through XGN by creating ID and password. The receipt of this 'Notice' may please be acknowledged.

  
Environmental Officer  
Bengaluru City East

