

BEFORE THE NATIONAL GREEN TRIBUNAL
South Zone Bench At Chennai, T.N.

M.A.No. 12 OF 2024
IN
O.A.No. 192 OF 2021(SZ)

Between :

1. Human Rights & Consumer Protection Cell Trust
2. Krishna Brundhavan Association – Reg. No. 168 of 2020

..... Applicants

AND

1. The State of Telangana, Rep. by its Chief Secretary
& 10 Others.

.....Respondents.

MEMO FILED BY THE 1ST APPLICANT

The 1st Applicant most humbly submit that,

1. On 10-07-2024 I had submitted a representation to the 3rd Respondent - The Metropolitan Commissioner – HMDA; 8th Respondent - The Tahsildar – Ameenpur Mandal, Sangareddy District, T.S. & 7th Respondent - The Municipal Commissioner – Ameenpur Municipality, Sangareddy, T.S informing them to immediately enforce the orders of the 3rd Respondent & the 8th Respondent against the 9th Respondent as the stay order given by the Hon'ble High Court to the 9th Respondent has been withdrawn due to 9th Respondent themselves withdrawing their two Writ Petitions vide Order Dt. 05-07-2024 of the Hon'ble High Court of Telangana in the two Writ Petitions Nos. 25246 of 2021 & 25256 of 2021.
2. It is humbly submitted that, till date no action has been taken by the 3rd Respondent and the 8th Respondent and the 9th Respondent is continuing construction in the flood water Nala as identified by the Joint Inspection Committee led by 5th Respondent – District Collector, Sangareddy.

3. It is most humbly submitted that, I am herewith submitting the copy of representation submitted to the 3rd, 7th & 8th Respondents.
4. It is humbly submitted that, the advance copy of Memo has been sent to all the Respondents through R.P.A.D on 14-08-2024.

Hence this Memo.

Date : 14-08-2024

Place : Hyderabad



(1st Applicant)

HRCPC TRUST

BHEL, MIG-982, Serilingampally,
Hyderabad - 502 032, India.

Web : hrcpc.org.

E-mail : hrcpctrust@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL
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IN

ORIGINAL APPLICATION No. 192 OF 2021.

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S. No.	DESCRIPTION	Page No.
1.	Copy of Complaint Dt. 10-07-2024 submitted to the Respondent Nos. 3 rd , 7 th & 8 th along with Copy of Common Order Dt. 05-07-2024 in W.P. Nos. 25246 of 2021 & 25256 of 2021. Along with copy of Order in O.A. No. 192 of 2021 (SZ), Dt. 01-11-2021	1 - 21

This is to certify that the documents are Photocopies/Typed Copies of Originals.

Dated at Hyderabad 14th day of August, 2024.


Party – In – Person
(Applicant No. 1)

HRCPC TRUST
BHEL, MIG-982, Serilingampally,
Hyderabad - 502 032, India.
Web : hrcpc.org.
E-mail : hrcpctrust@gmail.com

10-07-2024

To,

1. The Metropolitan Commissioner, HMDA, Hyderabad, Telangana.
2. The Tahsildar, Ameenpur Mandal, Sangareddy District, Telangana.
3. The Municipal Commissioner, Ameenpur Municipality, Sangareddy District, Telangana.

Dear Sir,

Subject: Request - For Immediate Enforcement Of Your Orders – Stay Vacated & 2 WPs Withdrawn From Telangana High Court By M/s Lalitha Constructions, Bandamkommu, Ameenpur – Cancellation Of Building Permissions, Restoration Of Natural Flood Water Nalas To 9.6 Meters From Kothacheruvu To Bandamkommu Waterbody & Complete Demolition Of 3 Apartments + Club House Constructed By M/s Lalitha Constructions In Sy. Nos. 276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 Located In Bandamkommu, Ameenpur Village/Mandal/Municipality, Sangareddy District – Reg.

Reference:

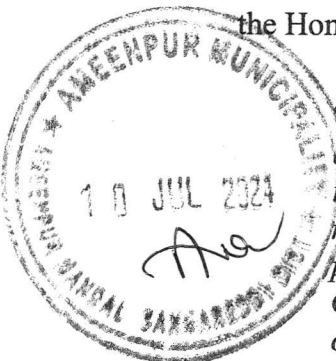
- (i) HMDA Stop Construction Order – Lr. No. 038956/SKP/R1/U6/HMDA/10092020, Dt. 21-08-2021 – Challenged vide W.P. No. 25256/2021.
- (ii) Tahsildar, Ameenpur Notice – B/1273/2021, Dt. 25-09-2021 – Challenged vide W.P. No. 25246/2021.
- (iii) Common Final Order Dt. 05-07-2024 in WP Nos. 25256 of 2021 & 25246 of 2021 (Enclosed)
- (iv) Jt. Inspection Report Dt. 29-10-2021 In O.A. No. 192/2021, NGT (SZ), Chennai, T.N. (Enclosed)

It is to bring to your notice that,

1. Upon your order (Ref. 1 & 2), M/s Lalitha Constructions had approached Hon'ble High Court of Telangana and secured a stay. After prolonged legal proceedings, the Petitioner [M/s Lalitha Constructions] had withdrawn their two Writ Petitions (WP Nos. 25256 of 2021 & 25246 of 2021) sensing adverse orders from the Hon'ble Court.

2. The Hon'ble High Court had passed Final Orders on 05-07-2024 in both the W.P's wherein the Hon'ble Court had observed that –

“4. In the light of the aforesaid discussion and submission made by learned counsel for the petitioner as well as learned counsel for respondent No. 9, these writ petitions are dismissed as withdrawn, granting liberty to the respondent No. 9 either to take steps to reopen O.A. No. 192 of 2021 (SZ) pending on the file of learned National Green Tribunal Southern Zone, Chennai or avail alternative steps available under law. There shall be no order as to costs.”



As such, I request you to immediately enforce your orders (Ref. 1 & 2) as stay on your orders has been vacated as 2 Writs withdrawn from Telangana High Court by Petitioners M/s Lalitha Constructions, Bandamkommu, Ameenpur Village/Mandal/Municipality – cancel the building permissions issued, restore of natural flood water nalas to 9.6 meters as per the Joint Inspection Report (Ref. 4) submitted by the District Collector, Sangareddy District before the Hon'ble NGT at Chennai from Kothacheruvu to Bandamkommu waterbody & completely demolish the 3 apartments + club house constructed by M/s Lalitha Constructions in Sy. Nos. 276/b, 277, 314/a2, 314/a3, 314/a4, 314/c1/1, 314/c1/2, 314/c1/3, 314/c1/4, 314/c2 & 315 located in Bandamkommu, Ameenpur Village/Mandal/Municipality, Sangareddy District. We will be approaching the Hon'ble National Green Tribunal as per the directions of the Hon'ble High Court enclosing this petition and you will be answerable for the compliance.

Thankyou,


(Thakur Rajkumar Singh)
Managing Trustee
HRCPC TRUST
BHEL, MIG-982, Serilingampally,
Hyderabad - 502 032, India.
Web : hrcpc.org.
E-mail : hrcpctrust@gmail.com

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No's : 25246 AND 25256 OF 2021

W.P.No. 25246 OF 2021

Between:

M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its Partner, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA colony, Chandanagar, Serilingamapally K.V. Ranga Reddy District, Telangana - 500050.

...PETITIONER

AND

1. The State of Telangana , Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Tahsildar, Ameenpur Village and Mandal, Sanga Reddy District.
3. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad,
4. The District Collector, Sanga Reddy District, Sanga Reddy.
5. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
6. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
8. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
9. Krishna Brundhavan Association, Represented by its President K. Ramesh, S/o Narasimha Ramulu, Aged about 37 years, Occ IT employee, R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District
10. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, S/o Unknown R/o Plot No. 113, H. No. 5r1001104, Ameenpur Village and Mandal, Sanga Reddy District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondent No. 2 in issuing Notice No. B/1273/2021 dt. 25.09.2021 that the petitioner is encroaching the flood water

canals between the Kothacheruvu and Bandamkommu tanks of Ameenpur village and mandal, violating the rules enumerated in the WALTA Act 2002 and directing the petitioner to submit explanation as to why the residential houses/ constructions should not be dismantled/removed from FTL/ Buffer zone areas of the lakes/tanks within the stipulated period of 15 days as illegal, arbitrary, violation of principles of natural justice and against settled provisions of law and consequently set aside the same

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the operation of the Notice No. B/1273/2021 dt. 25.09.2021 issued by the respondent No. 2, pending disposal of main Writ Petition

IA NO: 1 OF 2022

Between:

HUMAN RIGHTS & CONSUMER PROTECTION CELL TRUST Rep.by its Chairman: Thakur Rajkumar Singh Aged about 52 years, Occ: Chairman & Managing Trustee-HRCPC Trust, R/o BHEL MIG 982, Serilingampally, Hyderabad 502032, Telangana State

....PETITIONER /PROPOSED RESPONDENT NO.11

AND

1. M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its Partner, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA colony, Chandanagar, Serilingamapally K.V. Ranga Reddy District, Telangana - 500050.

...RESPONDENT/PETITIONER

2. The State of Telangana , Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
3. The Tahsildar, Ameenpur Village and Mandal, Sanga Reddy District.
4. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad,
5. The District Collector, Sanga Reddy District, Sanga Reddy.
6. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
7. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
8. The Superintendent Engineer, IB and CADD Division,Irrigation Department, Sanga Reddy District, Sanga Reddy.
9. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
10. Krishna Brundhavan Association, Represented by its President K. Ramesh, S/o Narasimha Ramulu, Aged about 37 years, Occ IT employee, R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District

11. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, S/o Unknown R/o Plot No. 113, H. No. 5r1001104, Ameenpur Village and Mandal, Sanga Reddy District

...RESPONDENTS/RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Implead the Petitioner/Proposed Respondent No.11 as Respondent No. 11 in WP. No. 25246 OF 2021 and IA

IA NO: 2 OF 2022

Between:

HUMAN RIGHTS & CONSUMER PROTECTION CELL TRUST Rep.by its Chairman: Thakur Rajkumar Singh Aged about 52 years, Occ: Chairman & Managing Trustee-HRCPC Trust, R/o BHEL MIG 982, Serilingampally, Hyderabad 502032, Telangana State

....PETITIONER /PROPOSED RESPONDENT NO.11

AND

1. M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its Partner, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA colony, Chandanagar, Serilingampally K.V. Ranga Reddy District, Telangana - 500050.
-RESPONDENT/PETITIONER
2. The State of Telangana , Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
 3. The Tahsildar, Ameenpur Village and Mandal, Sanga Reddy District.
 4. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad,
 5. The District Collector, Sanga Reddy District, Sanga Reddy.
 6. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
 7. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
 8. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
 9. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
 10. Krishna Bhrundhavan Association, Represented by its President K. Ramesh, S/o Narasimha Ramulu, Aged about 37 years, Occ IT employee, R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District
 11. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, S/o Unknown R/o Plot No. 113, H. No. 5r1001104, Ameenpur Village and Mandal, Sanga Reddy District

...RESPONDENTS/RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Vacate the Interim order dt 05/10/2021 passed in W.P. No. 25246 of 2021

IA NO: 1 OF 2023

Between:

Krishna Bhruindhavan Association, Represented by its President K. Ramesh, S/o Narasimha Ramulu, Aged about 37 years, Occ IT employee, R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District

....PETITIONER/RESPONDENT No.9

AND

1. M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its Partner, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA colony, Chandanagar, Serilingampally K.V. Ranga Reddy District. Telangana - 500050.
.....PETITIONER
2. The State of Telangana , Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
3. The Tahsildar, Ameenpur Village and Mandal, Sanga Reddy District.
4. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad,
5. The District Collector, Sanga Reddy District, Sanga Reddy.
6. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
7. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
8. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
9. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
10. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, S/o Unknown R/o Plot No. 113, H. No. 5r1001104, Ameenpur Village and Mandal, Sanga Reddy District

...RESPONDENTS/RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Vacate the Interim Order dated 05/10/2021 in W.P. No. 25246 of 2021

**Counsel for the Petitioner: SRI. B. CHANDRASEN REDDY SENIOR COUNSEL
REP M/s. CHANDRASEN LAW OFFICES**

Counsel for the Respondent Nos.1,2,4&5: GP FOR REVENUE

**Counsel for the Respondent No.3: SRI V. NARASIMHA GOUD, SC FOR HMDA
Counsel for the Respondent Nos. 6&7: GP FOR IRRIGATION
Counsel for the Respondent No.9: SRI THAKUR POORNIMA
Counsel for the Respondent No.10: --**

W.P. NO: 25256 OF 2021**Between:**

M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its Partner, Mr. Kaila Narsimha S/o Sri Kaila Seenaiiah, Aged 44 years, Occ. Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA colony, Chandanagar, Serilingampally K.V. Ranga Reddy District, Telangana - 500050.

...PETITIONER**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department Secretariat, Hyderabad.
2. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad,
3. The District Collector, Sanga Reddy District, Sanga Reddy.
4. The Tahsildar and Ex-Office Chairman, Mandal Level WALTA Authority Ameenpur Village, Ameenpur Mandal, Sanga Reddy District.
5. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
6. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
8. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
9. Krishna Bhrundhavan Association, Represented by its President. K. Ramesh, S/o Narasimha Ramulu, Aged about 37 years, Occ. IT employee, R/o Bandamkommu, Plot No. 52-5, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District
10. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, S/o Unknown R/o Plot No. 113, H. No. 5- 1001104, Ameenpur Village and Mandal, Sanga Reddy District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondent No. 2 in issuing Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt.21.08.2021 directing the petitioner to stop the construction of Apartments by obstructing the nala in Sy No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 and 315 in Ameenpur Village and Mandal, Sanga Reddy District and there by keeping the building permission vide No. 038956/SKP/R1/U6/HMDA/10092020 dt. 24.03.2021 in abeyance as illegal, arbitrary, violation of principles of natural justice and against settled provisions of law and consequently set aside the same

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the impugned Lr. No.03895 6/SKP/R1/U6/HMDA/10092020 dt.21.08.2021 issued by the respondent No. 2, pending disposal of main Writ Petition

IA NO: 1 OF 2022

Between:

The Commissioner , Hyderabad Metropolian Development Authority (HMDA), Tarnaka, Hyderabad

.....VACATE PETITIONER/RESPONDENT No.2

1.M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its Partner, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ. Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA colony, Chandanagar, Serilingamapally K.V. Ranga Reddy District, Telangana - 500050.

....RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department Secretariat, Hyderabad.
3. The District Collector, Sanga Reddy District, Sanga Reddy.
4. The Tahsildar and Ex-Office Chairman, Mandal Level WALTA Authority Ameenpur Village, Ameenpur Mandal, Sanga Reddy District.
5. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
6. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
8. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
9. Krishna Brundhavan Association, Represented by its President. K. Ramesh, S/o Narasimha Ramulu, Aged about 37 years, Occ. IT employee, R/o Bandamkommu, Plot No. 52-5, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District
10. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, S/o Unknown R/o Plot No. 113, H. No. 5- 1001104, Ameenpur Village and Mandal, Sanga Reddy District

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Vacate the interim orders dated 05-10- 2021, I.A.No. 1 of 2021 in Writ Petition No.25256 of 2021 in the interest of justice

IA NO: 2 OF 2022

Between:

HUMAN RIGHTS & CONSUMER PROTECTION CELL TRUST Rep.by its
Chairman: Thakur Rajkumar Singh Aged about 52 years, Occ: Chairman &
Managing Trustee-HRCPC Trust, R/o BHEL MIG 982, Serilingampally,
Hyderabad 502032, Telangana State

....PETITIONER /PROPOSED RESPONDENT NO.11

AND

1. M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its
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500050.

.....RESPONDENT/PETITIONER

2. The State of Telangana, Rep. by its Principal Secretary, Municipal
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3. The Commissioner, Hyderabad Metropolitan Development Authority
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4. The District Collector, Sanga Reddy District, Sanga Reddy.
5. The Tahsildar and Ex-Office Chairman, Mandal Level WALTA Authority
Ameenpur Village, Ameenpur Mandal, Sanga Reddy District.
6. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy
District, Sanga Reddy.
7. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy
District, Sanga Reddy.
8. The Superintendent Engineer, IB and CADD Division, Irrigation Department,
Sanga Reddy District, Sanga Reddy.
9. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy
District,
10. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, S/o
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W.P. No. 25256 of 2021 and IA

IA NO: 3 OF 2022

HUMAN RIGHTS & CONSUMER PROTECTION CELL TRUST Rep.by its
Chairman: Thakur Rajkumar Singh Aged about 52 years, Occ: Chairman &
Managing Trustee-HRCPC Trust, R/o BHEL MIG 982, Serilingampally,
Hyderabad 502032, Telangana State

....PETITIONER /PROPOSED RESPONDENT NO.11

1. M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by
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Occ. Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA
colony, Chandanagar, Serilingampally K.V. Ranga Reddy District,
Telangana - 500050.

...PETITIONER

AND

2. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department Secretariat, Hyderabad.
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5. The Tahsildar and Ex-Office Chairman, Mandal Level WALTA Authority Ameenpur Village, Ameenpur Mandal, Sanga Reddy District.
6. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
7. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
8. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
9. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
11. Krishna Bhruindhavan Association, Represented by its President. K. Ramesh, S/o Narasimha Ramulu, Aged about 37 years, Occ. IT employee, R/o Bandamkommu, Plot No. 52-5, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District
11. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, S/o Unknown R/o Plot No. 113, H. No. 5- 1001104, Ameenpur Village and Mandal, Sanga Reddy District

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Vacate the Interim Order dated 05/10/2021 in W.P. No. 25256 of 2021

IA NO: 1 OF 2023**Between:**

Krishna Bhruindhavan Association, Represented by its President. K. Ramesh, S/o Narasimha Ramulu, Aged about 37 years, Occ. IT employee, R/o Bandamkommu, Plot No. 52-5, Krishna Brundhavan Colony, Ameenpur, Sanga Reddy District

....PETITIONER/RESPONDENT No.9

AND

11. M/s Lalitha Constructions and Developers, A Partnership Firm, Rep. by its Partner, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ. Business, R/o Flat No. 304, Sri Vijaya Lakshmi Residency, HUDA colony, Chandanagar, Serilingampally K.V. Ranga Reddy District, Telangana - 500050.

.....PETITIONER

12. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department Secretariat, Hyderabad.

13. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA) Tarnaka, Hyderabad.
14. The District Collector, Sanga Reddy District, Sanga Reddy.
15. The Tahsildar and Ex-Office Chairman, Mandal Level WALTA Authority Ameenpur Village, Ameenpur Mandal, Sanga Reddy District.
16. The Revenue Divisional Officer, Sanga Reddy Division, Sanga Reddy District, Sanga Reddy.
17. The Executive Engineer, Department of Irrigation and CAD, Sanga Reddy District, Sanga Reddy.
18. The Superintendent Engineer, IB and CADD Division, Irrigation Department, Sanga Reddy District, Sanga Reddy.
19. The Commissioner, Ameenpur Municipality, Ameenpur, Sanga Reddy District,
20. Green Villas Colony, Rep. by its president Sri. P. Prabhakar Rao, S/o Unknown R/o Plot No. 113, H. No. 5- 1001104, Ameenpur Village and Mandal, Sanga Reddy District

...RESPONDENTS

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Vacate the Interim Order dated 05/10/2021 in W.P. No. 25256 of 2021

Counsel for the Petitioner: M/s. CHANDRASEN LAW OFFICES

**Counsel for the Respondent No.1: GP FOR MUNICIPAL
ADMINISTRATION AND URBAN DEVELOPMENT**

**Counsel for the Respondent No.2: SRI V. NARASIMHA GOUD,
SC FOR HMDA**

**Counsel for the Respondent Nos. 3to5: AGP FOR REVENUE
Counsel for the Respondent Nos. 6&7: AGP FOR IRRIGATION
Counsel for the Respondent No.8: SRI THAKUR POORNIMA
Counsel for the Respondent Nos. 9&10:--**

The Court made the following: COMMON ORDER

HON'BLE SRI JUSTICE K. LAKSHMAN**WRIT PETITION Nos.25246 and 25256 of 2021****ORDER:**

Heard Sri B. Chandrasen Reddy, learned Senior counsel representing M/s. Chandrasen Law Offices, learned counsel for the petitioner, Sri V. Narasimha Goud, learned counsel appearing for respondent No.3 in W.P.No.25246 of 2021 and learned counsel for respondent No.2 in W.P.No.25256 of 2021 and Sri Thakur Poornima, learned counsel appearing for respondent No.9.

2. Sri B. Chandrasen Reddy, learned Senior counsel representing M/s. Chandrasen Law Offices, on instructions would submit that petitioner is intending to withdraw the present writ petitions. Sri Chanakya Basa, learned counsel representing M/s. Chandrasen Law Offices, has made an endorsement on the bundle to the said effect.

3. Sri Thakur Poornima, learned counsel appearing for respondent No.9, on instructions would submit that considering the pendency of the present Writ Petitions, vide order dated 31.07.2023, learned National Green Tribunal Southern Zone, Chennai closed the Original Application No.192 of 2021 (SZ) filed by respondent No.9 and another. Therefore, he seeks liberty to the respondent No.9 and

another to take appropriate steps for reopening of the said Original Application or avail any other alternative remedy available under law.

4. In the light of the aforesaid discussion and submission made by learned counsel for the petitioner as well as learned counsel for respondent No.9, these writ petitions are dismissed as withdrawn, granting liberty to the respondent No.9 either to take steps to reopen O.A.No.192 of 2021 (SZ) pending on the file of learned National Green Tribunal Southern Zone, Chennai or avail alternative steps available under law. There shall be no order as to costs .

As a sequel thereto, miscellaneous petitions, if any, pending in the Writ Petitions shall stand closed.

'SD/-N. CHANDRA SEKHAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to M/s. CHANDRASEN LAW OFFICES, Advocate [OPUC]
2. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, High Court for the State of Telangana, at Hyderabad [OUT]
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CCs to GP FOR IRRIGATION High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to SRI. THAKUR POORNIMA, Advocate [OPUC]
6. One CC to SRI. V. NARASIMHA GOUD, SC FOR HMDA [OPUC]
7. Two CD Copies

B M
BS



HIGH COURT

DATED:05/07/2024



COMMON ORDER

WP.No's.25246 AND 25256 OF 2021

**DISMISSING BOTH THE WRIT PETITIONS
WITHOUT COSTS**

(12)
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D.V.S

Item No.04:

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
Original Application No.192 of 2021 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Human Rights & Consumer Protection Cell Trust,

...Applicant(s)

Versus

The State of Telangana and Ors.

...Respondent(s)

Date of hearing: 01.11.2021.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. K. SATYAGOPAL, EXPERT MEMBER

For Applicant(s): Mr. Thakur Rajkumar Singh, applicant in person.

For Respondent(s): Ms. Renuga for Ms. Yasmeen Ali for R1, R2, R5 to R8

Mr. T. Sai Krishnan for R3 and R4

Mr. Srinath Sridevan along with Mr. Bhagarath Krishnan for R9

Mr. Rajmakesh for R10

ORDER

1. The above case has been posted to today for appearance of parties and also independent response and consideration of report. The case was originally posted to 30.09.2021 for that purpose. On 30.09.2021, it was adjourned to today by notification.
2. 9th respondent has filed a memo stating that a stop memo was issued by the authorities, which has been challenged before the Hon'ble High Court of Telengana and an interim order for suspension has been granted

by the Hon'ble High Court in Writ Petition No. 25256 of 2021. The Learned Counsel for the 9th respondent wanted two weeks time for filing their detailed counter statement.

3. The Joint Committee has filed a report dated 29.10.2021, e-filed on 30.10.2021 and received today which reads as follows:

JOINT INSPECTION REPORT OF REVENUE, HMDA (LAKE PROTECTION COMMITTEE), HMDA (PLANNING), IRRIGATION AND MUNICIPAL OFFICIALS WITH REFERENCE TO THE APPLICATION FILED BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI WITH APPN. NO. 192/2021.

Date of Inspection:- 01.09.2021 & 02.09.2021

The following officials have attended the Joint Inspection:

Sri.G. Veera Reddy, Additional Collector, Sangareddy District.
 Sri.J. Krishna Rao, Executive Engineer, Lake Protection Committee, HMDA, Hyderabad.
 Sri. P. Madhusudhan Reddy, Executive Engineer, Irrigation Division. No. 1, Sangareddy.
 Sri.C.RameshBabu, Revenue Divisional Officer, Sangareddy District.
 Sri.D.YadagiriRao, Planning Officer, HMDA, Hyderabad.
 Smt.A.Sujatha, Municipal Commissioner, Ameenpur Municipality
 Sri. G. UdayaBhaskerRao, Dy. Executive Engineer, IB Sub division No.5, Patancheru.
 Sri S.RameshCharan, Assistant Planning Officer, HMDA, Hyderabad
 Sri V.Vijay Kumar, Tahsildar, Ameenpur Mandal
 Sri.P. Venkat Ram Reddy, Assistant Executive Engineer, Irrigation Section, Ameenpur
 Sri. C. Yadaiah, Surveyor, Ameenpur (M).

The Human Rights & Consumer Protection Cell Trust, represented by Sri Thakur Rajkumar Singh and Krishna Brundavan Association represented by Sri K. Ramesh filed the case OA No. 192 of 2021 before the Hon'ble NGT, Chennai for granting Technical Approval by the HMDA to the Respondents No.9 i.e., M/s Lalitha Constructions for construction of (5) Towers / Blocks of Apartments upon the Flood Water Canals (Outlet Nala of Kothacheruvu Tank and Inlet Nala of the Bandamkommu Tank of Ameenpur Village) in Part Sy.Nos.275, 277, 314 & 315 of Ameenpur Village on 24.03.2021 while there is a case pending before the Hon'ble NGT(SZ), Chennai in O.A.No.156 of 2016. Further in the O.A. the Petitioners stated that, the Respondent No.9 completely destroyed and damaged the natural flood water canals Kothacheruvu and Bandamkommu tanks and made deep excavations and started constructions of (5) blocks of multi floor apartments by completely blocking the Natural Flood Water Canals and diverting them to the adjacent colonies causing major flooding and destructions of private properties. Further stated that, despite repeated complaints the HMDA or other officials have not taken any steps to restore the Flood Water Nalas and cancel the technical approval given to the Respondent No.9 i.e., M/s Lalitha Constructions and the outflow of the water from the Kothacheruvu Tank has formed into a stagnant pool and ready to burst into the colonies whenever there is a heavy rain causing severe damage to the life and properties of the colonies. Further in the O.A it is stated that, the Respondent No.10 i.e., Sri Vemulamada Kumara Swamy developed venture with roads, electricity & drainage belonging to the 2nd Applicant and constructed about (150) houses in the layout, but did not construct proper sewerage

system, septic tank and Sewerage Treatment Plant in the colony due to which the Bandamkommu Tank is getting polluted. The Respondent No.10 i.e., M/s Lalitha Constructions had given an undertaking that he will complete the sewerage related works in the writing to the 2nd Applicant, but he did not complete the works till date. Also the Respondent No.10 is going on constructing houses without any permission in the FTL & Buffer zone of the Bandamkommu Tank with support of the Respondent No.7 i.e., The Municipal Commissioner, Ameenpur Municipality who has not taken any action taken to demolish the said illegal constructions and following relief

1. To cancel and quash the Technical approval 038956/SKP/R1/U6/HMDA/ 10092020, Dt: 24.03.2021 issued by 3rd respondent- HMDA with respect to venture of 9th respondent M/S Lalitha Constructions and Developers in SyNo.s 276/B, 277, 314/A2, 314/A3, 314/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 of Ameenpur village.
2. To restore all the flood water Nalas flowing from 1200/34- Kothacheruvu water body down to 1200/43 Bandham Kommu cheruvu water body to their natural path, original size and stop all diversions.
3. To demolish all the constructions in the FTL, Buffer Zone and Nalas between the 1200/34 - Kothacheruvu water body down to 1200/43 -Bandham Kommuchervu water body.
4. To direct the 10th respondent to construct proper drainage system, septic tank and STP for the 2nd Applicant Colony.

The Hon'ble National Green Tribunal (SZ), Chennai taking into consideration, the applications filed by the Petitioners, passed orders in O.A.No. 192 of 2021 dated 27.08.2021 appointing a joint committee comprising of the District Collector, Sangareddy, Senior Officer from not below the rank of Superintending Engineer of irrigation Department, Sangareddy District and Senior Officer from Lake Protection Committee, Hyderabad to ascertain the genuineness of the allegations made in the application by inspecting the area in question and submit a factual as well as action taken report, if there is any violation found. Further the Hon'ble Tribunal directed the committee to ascertain as to

- i) Whether there was any encroachment into the water bodies or Nalas and any construction has been made which is obstructing the flow of water in the Nala, which ultimately reaches the water bodies.
- ii) Whether on account of the obstruction caused to the Nalas and other water canal due to the construction activities alleged to have been construction activities undertaken by the respondents 9 and 10 any inundation of water has been happened in the areas mentioned in the application and what is the nature of action taken by the authorities to rectify the same and what are and the expenses incurred for meeting the situation.
- iii) If there is any damage caused to the environment, the committee is directed to assess the environmental compensation and also the remedial measures for

restoring the Nalas and assess the damages caused to the environment on account of the same and arrive at cost of restoration.

In compliance to the orders of the Hon'ble National Green Tribunal (SZ) Chennai and as per the instructions of the committee, therefore mentioned officials jointly visited the area and inspected the water bodies situated at Ameenpur Village and flood water channel flowing from Kotha Cheruvu to Bandamkommu Cheruvu on 01-09-2021 and 02-09-2021 and marked the flood water stream and buffer area and submitted a report, detailing the survey number wise lands being covered under the flood water stream and buffer area of the Inlet and Outlet channels of Kothacheruvu and Bandamkommu Tanks of Ameenpur Village.

The following are the observations made by the joint inspection team with respect to the directions given by the Hon'ble NGT orders:

- I. (i) The lakes Kothacheruvu and Bandhamkommu Tanks of Ameenpur village are link tanks and as such the flood water channel from Kothacheruvu which is located on the upstream passes to Bandhamkommu Cheruvu which is located at a distance of about 1020 mts on the downstream. During the Joint inspection it is noticed that flood water channel stream from Kothacheruvu is identified as passing in Sy.Nos.319, 318, 317, 316, 315, 343/3, 350, 351, 352, 353, 396, 395, 393, 392, 376 and 375 of Ameenpur village and finally enters into Bandam Kommu Cheruvu. Further, it is noticed that the encroachments and constructions are observed in the flood water stream and its buffer area duly diverting the surplus course by dumping the soils and also reducing the width of the surplus course thereby partially obstructing the flow of water. The alignment of said surplus course is not shown in Revenue village map and in irrigation Department Map. As per the physical inspections and from Google maps extracts it is noticed that the said surplus course is passing through the aforesaid Survey Numbers.
- ii) On physical observation and as per the latest flood data the width of the surplus course is considered as 9.60Mts with 2.0 Mts of buffer zone applicable on either sides as per the conditions stipulated under G.O Ms No 168 of MA & UD Dept, Dt:07.04.2012 and upon demarcation the extent of land affected under the surplus course and buffer zone in Sy no wise are as tabulated below:

Sl. NO	Sy. No	Extent (Ac-Gts)	Length of Nala(in Mts.)	Extent affected under Flood water Nala (Ac- Gts)	Extent affected under the Buffer of Nala (Ac- Gts)	Balance Area (Ac- Gts)	Remarks
1	316	2-08	164.32	0-05	0-02	2-01	Open land
2	315	1-17	55.81	0-01	0-01	1-15	Encroachment made by respondent 9 in

							the surplus stream and buffer Zone and also some constructions like club house are taken up in buffer zone.
3	350	0-38	13.60	0-01	0-00.5	0-36.50	Construction of houses partly taken up in surplus stream/ Buffer Zone by Respondent 10
4	351	0-24	33.24	0-03	0-01	0-20	Construction of houses partly taken up in surplus stream/ Buffer Zone by Respondent 10
5	352	1-04	39.73	0-03.5	0-01.5	0-39	Open land
6	353	1-21	114	0-08	0-03	1-10	Perpetual Injunction covered with Court decree in Original Suit No.380 of 2019
7	396	1-21	56.79	0-07.5	0-02	01-11.5	Open land
8	395	0-15	32.06	0-01.5	0-01	0-12.5	Open land
9	393	0-09	14.24	0-00.5	0-00.5	0-08	Open land
10	392	0-39	76.43	0-05	0-02	0-32	Open land
Total	10-36			0-36	0-14.5	9-25.5	

- i) It is also found that, in Sy.No.315 M/s Laltha Constructions has made some construction (like club house) in the alignment of surplus channel and buffer Zone. Further in Sy.Nos.350 & 351 of Ameenpur (V) one Sri.Vemulamada Kumara Swamy has constructed 3 individual residential buildings which are partly affected in surplus channel/Buffer Zone
- ii) During recent rains, due to the obstructions created in the natural water path by dumping of soils and also due to construction activity taken up by the respondents has been resulted in inundation / water logging of nearby colonies


Further in this regard a letter has been addressed to the HMDA Authorities, vide EE Irrigation letter no: EE/ID/SRD/DB/DEF(T)/HD2/305DI:17-08-2021 to cancel / review the building permissions granted in favour of the Respondent No.9 in part of the subject lands. In pursuance of the same HMDA has kept the building permission in Abeyance and stopped the construction and stated further action will be taken after following due procedure.

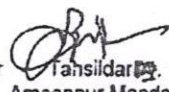
It is also revealed that the Respondent No.10 has got building permission from the then Grampanchayath of Ameenpur. Therefore, the District Panchayath Officer, Sangareddy is directed to take immediate necessary action for cancellation of the permissions issued by the then Grampanchayath of Ameenpur (v).


III) It is to submit that, regarding the aspect of the environment it is requested to address the Pollution Control Board authorities to assess if there is any damage to the environment and to assess the environmental compensation and also remedial measures for restoring the flood water channel and to assess the damages caused to the environment on account of the action of the respondents and to arrive the cost for restoration.

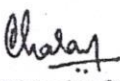
We here by submit the report, in light of the orders of the Hon'ble National Green Tribunal(SZ) Chennai passed in O.A No. 192 of 2021 Dated 27.08.2021 and as per the instructions of the Committee.

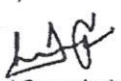

Mandal Surveyor,
AmeenpurMandal

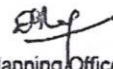

Asst Executive Engineer
IB Section, Ameenpur


Tahsildar,
Ameenpur Mandal

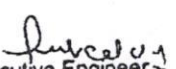

Dy Executive Engineer
Sub-Division.No.5, Patancheru

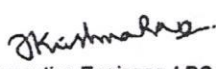

Asst Planning Officer
HMDA, Hyderabad

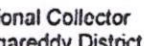

Municipal Commissioner
Ameenpur, Municipality


Planning Officer
HMDA, Hyderabad


Revenue Divisional Officer
Sangareddy


Executive Engineer,
Irrigation Division No.1, Sangareddy


Executive Engineer, LPC
HMDA Hyderabad


Additional Collector
Sangareddy District

4. Parties are at liberty to file their objections to the Joint Committee as well.
5. They are directed to complete the pleadings as well as file their objections, if any, to the Joint Committee report on or before 29.11.2021 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.

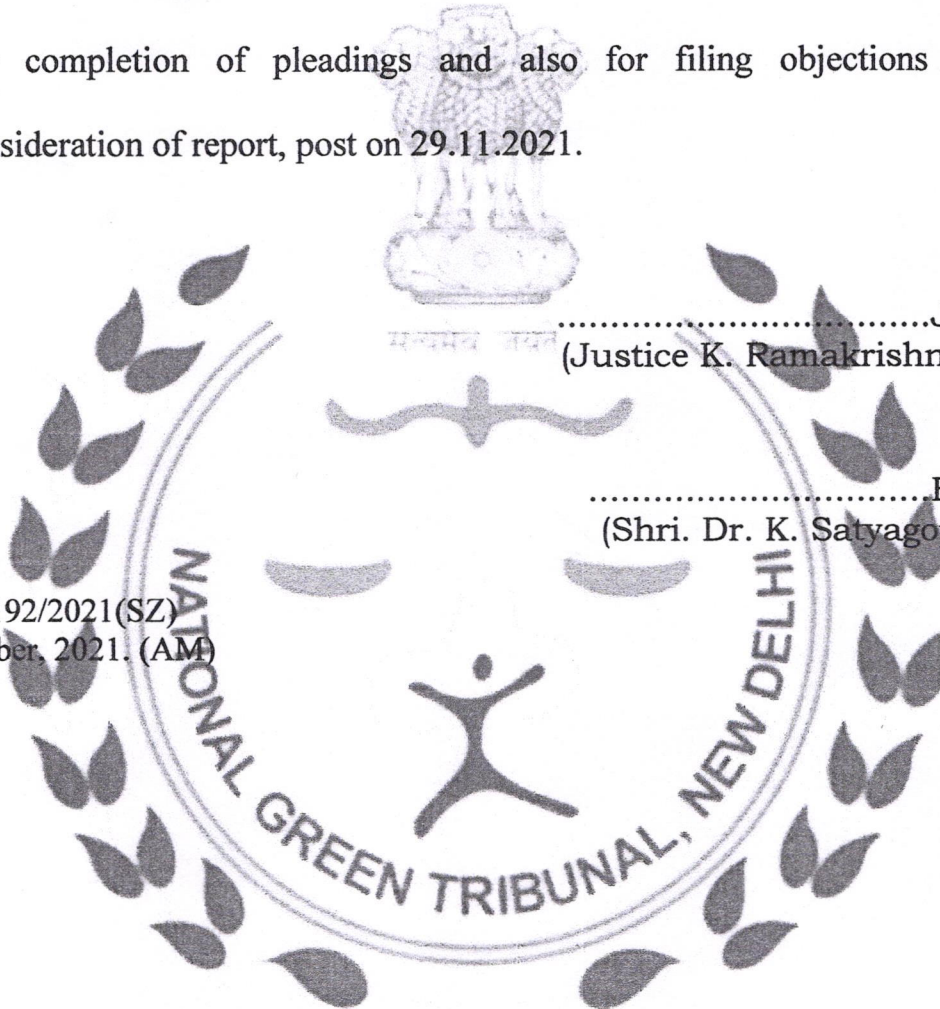
6. The Registry is directed to communicate this order to the official respondents by e-mail immediately for their information and compliance of the direction.

7. For completion of pleadings and also for filing objections and consideration of report, post on 29.11.2021.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Dr. K. Satyagopal)

O.A. No. 192/2021(SZ)
1st November, 2021. (AM)



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RN107396972IN IVR:8278107396972
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To:THE STATE OF ,TELANGANA
PIN:500022, Central Secretariat S.O
From:HUMAN RIGHT,530
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Amt:47.20,Tax:7.20,Amt.Paid:47.00(Cash)
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<Dial 18002666868> <Wear Masks, Stay Safe>

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PIN:502001, Sangareddy H.O
From:HUMAN RIGHT,530
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<Dial 18002666868> <Wear Masks, Stay Safe>

RN107396955IN IVR:8278107396955
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Counter No:1,14/08/2024,09:28
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PIN:502032, Ramachandrapuram He S.O
From:HUMAN RIGHT,530
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Amt:47.20,Tax:7.20,Amt.Paid:47.00(Cash)
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>

**BEFORE THE NATIONAL
GREEN TRIBUNAL**

South Zone Bench At Chennai, T.N.

**MA No. 12 of 2024
IN
OA No. 192 OF 2021 (SZ).**

Between :

1. Human Rights & Consumer Protection
Cell Trust & Other.

..... Applicant

And :

1. The State of Telangana & 10 Ors.

..... Respondents

**MEMO
Filed By The Applicant**

Date of Filing : ~~26~~ 08-2024

Filed By : 1st Applicant

Address For Service :-

HRCPC Trust
Flat No. 530, Block – A,
Sree Sneha BHEL Lake View Apartments,
RC Reddy Colony, R.C. Puram, Sangareddy,
Telangana State.
Ph. No. 8885552997
E-Mail : hrcpctrust@gmail.com