

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
M.A. No. 13/2022
IN
Original Application No. 195 of 2021 (SZ)**

IN THE MATTER OF:

J. Jagan Kumar

...APPLICANT

Versus

The Secretary

Minor Irrigation Department, Bengaluru and Ors

...RESPONDENTS

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Filed By



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Date: 09.09.2024

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PROGRESS REPORT ON OF RESPONDENT NO. 1

MOST RESPECTFULLY SHOWETH:

1. The instant report is filed to bring on record the progress in compliance of order dated 04.05.2022 in O.A. No. 195/2021. It is submitted that the issue pertains to encroachment in the Yellemallappashetty Lake located at Bidarahalli Hobli, Bangalore East Taluk, Bangalore Urban District (*'the said lake'*).
2. The directions contained in the order dated 04.05.2022 were:
 - i) No further jack well pumps to be constructed in the buffer zone of the said lake or other lakes;
 - ii) No further construction of road/public utility on the said lake;

- iii) To ensure sufficient flow mechanism for free flow of water at the bridge over the said lake, if the present vents are not sufficient;
 - iv) Removal of obstructions at the inlet/outlet of water;
 - v) UGD and STP works to be completed by BBMP;
 - vi) To take action and impose penalties on persons discharging waste into the water;
 - vii) BBMP to implement recommendations of KSPCB;
 - viii) Removal of encroachment from the buffer zone of the lake;
 - ix) KSPCB to implement SWM Rules, 2016;
 - x) Provision of financial assistance for the implementation of action plan;
3. It is submitted that all the directions to be carried out by the answering Respondent have been complied with in their entirety, except for the fencing of the buffer zone of the lake which is partially complete. Reliance is placed on the compliance reports dated 09.02.2023 and 05.01.2024 and the contents therein are not repeated here for the sake of brevity. The same may be read as part and parcel of this report.
4. As far as the fencing works are concerned, following the removal of encroachment, the said works had begun, and out of the total length


9.3 km, at present 4.2 km is completed. True copy of photographs depicting construction of chain link fence along the water spread boundary of the lake is annexed herewith as **Annexure P-1**.

5. It is submitted that from the 2nd week of March till the end of May, 2024 the concerned staff and also the surveyor were deputed on election duty for Lok Sabha Elections, during which time work had to be stalled. Thereafter, the onset of monsoon has also caused frequent hindrances, by making the mobilization of men and machinery difficult.
6. It is further submitted that residents of Sai Garden Layout have approached the Hon'ble High Court of Karnataka seeking an approach road from the lakeside, under W.P. No. 15174/2024. True Copy of case status along with *Prayer Information* of W.P. No. 15174/2024 as available on the website of the Hon'ble High Court of Karnataka is annexed herewith as **Annexure R-2**.
7. The Hon'ble High Court vide order dated 13.06.2024 has directed status quo with respect to the approach road. True copy of order sheet in W.P. No. 15174/2024 as available on the website of the Hon'ble High Court of Karnataka is annexed herewith as **Annexure R-3**.

8. The answering Respondents are in the process of making an application before the Hon'ble High Court for vacation of stay. It is submitted that the answering Respondent is committed to adhering to the timeline of completion of the fencing works, *i.e.* December, 2024.
9. Hence, without prejudice to the maintainability of the instant MA and the prayers therein, it is submitted that requisite action is being taken in compliance of the judgment dated 04.05.2022. It is therefore prayed that the present application may be dismissed.

**Executive Engineer
Bengaluru Division
Minor Irrigation Department**

DATE: 07.09.2024


**Assistant Executive Engineer
M.I. & G.W.D. Sub-Division
Bangalore.**


**Executive Engineer
Minor Irrigation & Ground Water
Development Division
Bangalore - 560 011.**

Filed by


**Darpan KM
Standing Counsel
State of Karnataka**

Annexure R-1



 **GPS Map Camera**



Bengaluru, Karnataka, India
Cipla factory road, 2PFP+64X, NSP Electronics Factory Rd, Virgonagar Industrial Estate,
Aavalahalli, Bengaluru, Doddabanhalli, Karnataka 560049, India
Lat 13.024131°
Long 77.733294°
07/09/24 01:22 PM GMT +05:30



 **GPS Map Camera**

Bengaluru, Karnataka, India

Unnamed Road, Virgonagar Industrial Estate, Aavalahalli, Bengaluru, Karnataka 560049, India

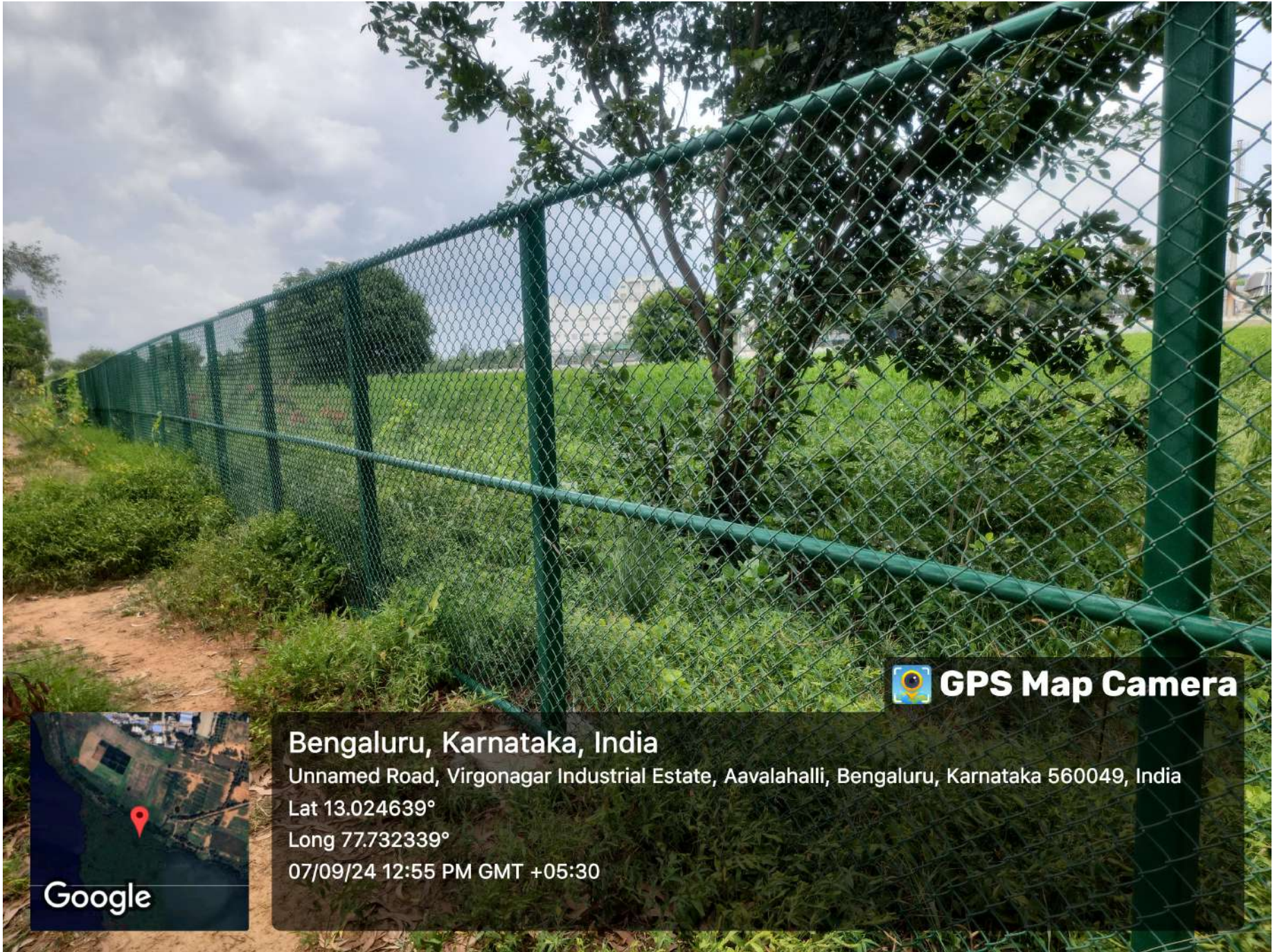
Lat 13.025236°

Long 77.731394°

07/09/24 01:25 PM GMT +05:30



Google



 **GPS Map Camera**

Bengaluru, Karnataka, India

Unnamed Road, Virgonagar Industrial Estate, Aavalahalli, Bengaluru, Karnataka 560049, India

Lat 13.024639°

Long 77.732339°

07/09/24 12:55 PM GMT +05:30



Google



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HIGH COURT OF KARNATAKA

Annexure R-2

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Status: **Pending**

Case Number: **WP 15174/2024**
(KAHC010303362024)

Classification: **GM RES**

Date of Filing: **30/05/2024**
15:10:20

Petitioner: **SRI R RAMA**
MURTHY,

Petitioner Advocate:
JAGADEESHA K G

Respondent: **THE STATE OF**
KARNATAKA

Respondent Advocate:

Filing No.: **WP 14447/2024**

Judge: **S.R.KRISHNA KUMAR**

Last Posted For: **PRELIMINARY**
HEARING - B GROUP

Last Date of Action: **27/06/2024**

Last Action Taken:
ADJOURNED

Next Hearing Date:



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HIGH COURT OF KARNATAKA

Annexure R-3

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Status: **Pending**Case Number: **WP 15174/2024**
(KAHC010303362024)Classification: **GM RES**Date of Filing: **30/05/2024**
15:10:20Petitioner: **SRI R RAMA**
MURTHY,Petitioner Advocate:
JAGADEESHA K GRespondent: **THE STATE OF**
KARNATAKA

Respondent Advocate:

Filing No.: **WP 14447/2024**Judge: **S.R.KRISHNA KUMAR**Last Posted For: **PRELIMINARY**
HEARING - B GROUPLast Date of Action: **27/06/2024**Last Action Taken:
ADJOURNED

Next Hearing Date:

Daily Orders: WP 15174/2024

1	S.R.KRISHNA KUMAR	<u>27/06/2024</u>
	List this matter after two weeks. Interim order granted earlier is extended till the next date of hearing. Last Updated On: 2024-06-28 16:17:45	
2	S.R.KRISHNA KUMAR	<u>13/06/2024</u>
	Learned AGA accepts notice for respondent Nos.1 to 6 and seeks time to obtain necessary instructions and / or file objections. Re-list on 27.06.2024. In the meanwhile, parties are directed to maintain status-quo in all respects as on today in relation to subject matter of the petition, till the next date of hearing. Liberty is reserved in favour of respondents to seek vacation / modification of this order. Last Updated On: 2024-06-14 16:28:44	