

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

O.A. No. 102 OF 2022 (SZ)

Between :

1. Human Rights & Consumer Protection Cell Trust
2. Tallari Ashok Kumar S/o. Tallari Yadaiah,

..... Applicants

AND

1. The State of Telangana & 14 Ors.

..... Respondents.

Written Arguments

Filed By The Applicants

It is most humbly submitted that,

The Applicants present the following points for the kind consideration of this Hon'ble Tribunal:

1. Unauthorized Construction on Protected Areas:

- Illegal constructions, including a temple and associated structures on the bund and buffer zone of Patla Cheruvu, have obstructed the free flow of water.
- The construction violates **G.O.Ms. No. 168**, which mandates a buffer zone of 30 meters from the FTL of lakes above 10 hectares.

2. Environmental Degradation:

- Artificial bunds within the FTL have disrupted the natural water flow from the catchment area, reducing the lake's water-holding capacity.
- The dumping of municipal solid waste and untreated sewage has further polluted the water body.

3. Failure of Respondents to Act:

- Despite multiple orders from this Hon'ble Tribunal, Respondent No. 2 (HMDA) and others have failed to file necessary reports or take corrective action.

4. Violation of Legal Precedents:

- The Supreme Court of India (Order dated January 31, 2018) prohibits unauthorized constructions on public land, including religious structures.
- The National Green Tribunal's final order in O.A. No. 419 of 2021 reiterates that constructions on public lands marked as open spaces are illegal and must be removed.

5. Non-Compliance with Dam Safety Regulations:

- The **Dam Safety Act, 2021**, mandates stringent measures to ensure the structural integrity of bunds and prohibits any unauthorized modifications.

6. **Date wise Proceedings** showing inaction and lackluster attitude towards water bodies by Respondents -

S.No.	Date Of Listing	Order Passed	Remarks
1.	07-09-2022	<p>(1) The complaint of the applicant is that a temple is being constructed on the bund along with the building in buffer zone bearing H. No. 5-95/6220 located adjacent to the temple on the bund of Patla Cheruvu, Patelguda Village which is being constructed by respondent nos. 14 and 15.</p> <p>(2) It is alleged that these constructions are done on the bund FTL and buffer zone of the Patla Cheruvu which has blocked the free flow of water even during the rainy season affecting the livelihood of fishermen community in the said area.</p> <p>(3) As the photographs furnished shows that there is a huge water body but without water and the issue has to be addressed. Hence we issue notice to the respondents. The notice of which is accepted by Mr. Sai Krishnan for respondents 2 to 4 and Smt. Yasmeen Ali accepts notice for respondents 1 and 5 to 13.</p> <p>(4) Let notice be issued to respondent nos. 14 and 15 through this Tribunal as well as privately by the applicant.</p> <p>(5) Post the matter on 30.09.2022.</p>	
2.	14-11-2022	Matter stands adjourned to 23-12-2022.	
3.	23-12-2022	Matter stands adjourned to 10-02-2023.	
4.	10-02-2023	Matter stands adjourned to 23-03-2023.	
5.	23-03-2023	For filing the report of the HMDA as well as the Revenue and Irrigation Department, let the matter be listed on 02-05-2023.	
6.	02-05-2023	Matter stands adjourned to 02-05-2023.	
7.	31-05-2023	Matter stands adjourned to 11-08-2023.	

8.	11-08-2023	<p>(1) The Irrigation Department has filed a report received on 03-04-2023. Though the applicants have objections to the report the Irrigation Department, no response has been filed.</p> <p>(2) The HMDA is also yet to file its report.</p> <p>(3) Let the matter be listed on 06-09-2023.</p>	HMDA did not file report till date.
9.	06-09-2023	Matter stands adjourned to 19-10-2023.	
10.	19-10-2023	<p>(1) Today, there is no representation for the applicant.</p> <p>(2) The report of the HMDA is yet to be filed.</p> <p>(3) The objections by the applicant to the report of the Irrigation Department has not been filed.</p> <p>(4) Post the matter on 28-11-2023.</p>	HMDA did not file report till date.
11.	28-11-2023	Matter stands adjourned to 05-01-2024.	
12.	05-01-2024	(1) For filing the report of the HMDA and the objections by the applicant to the Irrigation Department's report, let the matter be listed on 31-01-2024, finally.	HMDA did not file report till date.
13.	31-01-2024	<p>(1) Today, the applicant has filed the objection to the report of the 7th Respondent who is the Executive Engineer, I.B. Division, Sangareddy District.</p> <p>(2) Regarding the construction of the temple, of which, there was an objection raised by the applicant, the 7th Respondent has stated that the construction of the temple is on the rear side of the bund and it will not affect the free flow of water, as it is constructed on the top of the bund of the tank and also it will not affect the storage capacity of the tank. Further, it is stated that the temple structure is not affected under the FTL and buffer zone of the tank as alleged by</p>	HMDA did not file report till date.

		<p>the applicant, as the FTL area and the buffer zone area fall on the upstream of the tank.</p> <p>(3) In the objections filed by the applicant, it is stated that besides the temple, there are other encroachments, for which, he has not furnished any particulars. Curiously, the 1st Applicant is not an ayacutdar, but it is a trust.</p> <p>(4) He also invited our attention to the G.O. (Ms) No.168 of the Municipal Administration and Urban Development Department dated 07.04.2012, pursuant to which, the Andhra Pradesh Building Rules, 2012 were formulated. Rule 3 (a) (ii) (2) of the Andhra Pradesh Building Rules, 2012 specifically states that 30 Meters from the FTL boundary of Lakes/ Tanks/ Kuntas of area 10 Hectares and above. Admittedly, the tank in question is about 10 Hectares. However, the tank being a minor irrigation tank, whether the alleged temple is on the downstream. Let the Irrigation Department (Respondent No.7) clarify whether there is any restriction on the construction in the downstream or in other words, how the FTL is fixed both on the upstream and downstream. The said report should be filed by the Chief Engineer of the Irrigation & CAD Department. Post the matter on 04.03.2024.</p>	
14.	04-03-2024	Matter stands adjourned to 12-04-2024.	
15.	12-04-2024	Matter stands adjourned to 27-05-2024.	
16.	27-05-2024	(1) The learned Government Pleader for the State of Telangana would state that the report filed by the Chief Engineer, Department of Irrigation and Command Area Development was returned due to certain defects.	HMDA did not file report till date.

		Let the defects be rectified and report be uploaded. (2) The learned counsel appearing for the Hyderabad Metropolitan Development Authority (HMDA) would also seek time to file a report. (3) Let the matter be listed on 18.07.2024 .	
17.	18-07-2024	(1) Today, there is no representation for the applicant who appeared party-in-person. (2) The report of the Chief Engineer – Irrigation Department, Sangareddy is filed. (3) Post the matter on 19.08.2024 .	HMDA did not file report till date.
18.	19-08-2024	(1) For filing of the written arguments by the applicant, let the matter be listed on 03-09-2024.	HMDA did not file report till date.

7. Respondents Who Responded/Not Responded:-

Respondent No.	Name of the Respondent	Remarks
1.	The State of Telangana. Rep. by its Chief Secretary.	Did Not File Counter Or Report.
2.	The Metropolitan Commissioner - Hyderabad Metropolitan Development Authority – Telangana.	Did Not File Counter Or Report – In spite of Court passing order repeatedly.
3.	Lake Protection Committee (G.O.Ms. No. 157 - MAUD, Dt. 06-04-2010) Rep. By its Member Convenor: Member Environment – Telangana.	Did Not File Counter Or Report.
4.	The Member Secretary – Pollution Control Board, Telangana.	Filed Report.
5.	The District Collector - Sangareddy District, Telangana.	Did Not File Counter Or Report.
6.	The Superintending Engineer, Irrigation Department, Sangareddy.	Filed Report.
7.	The Executive Engineer & District Irrigation Officer – Sangareddy.	Filed Report.

8.	The District Fisheries Officer – Sangareddy, Telangana.	Did Not File Counter Or Report.
9.	The District Panchayat Officer – Sangareddy, Telangana.	Did Not File Counter Or Report.
10.	The District Registrar of Assurances – Sangareddy, Telangana.	Did Not File Counter Or Report.
11.	The Tahsildar – Ameenpur Mandal, Sangareddy, Telangana.	Did Not File Counter Or Report.
12.	The Village Secretary – Patelguda Gram Panchayat, Ameenpur Mandal, Sangareddy.	Did Not File Counter Or Report.
13.	The Village Secretary – Kistareddypet Gram Panchayat, Ameenpur Mandal, Sangareddy.	Did Not File Counter Or Report.
14.	Sri. M. Ch. Raghava Rao, Telangana.	Did Not File Counter.
15.	Sri. Kunchala Venkata Kondaiiah Raju, Telangana.	Did Not File Counter.

8. Application, Memos & Objections Filed By The Applicants:-

- (i) On 29-09-2022 the Applicant filed a Memo enclosing photographs **clearly showing illegal constructions going on the bund** and adjacent to the bund by Resp. No. 14 & 15. The building permission of which have been revoked by Resp. No. 12.
- (ii) On 11-11-2022 the 2nd Applicant filed a Memo enclosing copies of FIR No. 462/2022 of Police Station, Ameenpur and Chargesheet CC No. 708/2022 clearly showing that 2nd Applicant was framed by irrigation officials Respondent No. 6 & 7 in a criminal case **for taking photographs of the illegal construction activity** of houses and temple on the Bund of the Lake.
- (iii) On 09-08-2023 the Applicants submitted 4 documents and Album containing photographs of the lake along with illegal constructions. The documents are (a) G.O.Ms. No. 168, (b) Memo No. 1361/M1/2012 – MA& UD Dept, (c) Letter No. 20687/M1/2013 – MA& UD, (d) Notification – HMDA Lakes No. 1404/ HMDA/EE L&P/2013-14/9 – Preliminary Notification of 1200/36 - Patla Cheruvu Lake.

(iv) On 27-01-2024 the Applicants submitted Objections on the report of the Irrigation Department – 7th Respondent.

9. Applicants side arguments: In counter to R-5 & R-7:

It is most humbly submitted that,

w.r.t. para 2 of the Counter Affidavit -

1. The assertion that the main bund of Patla Cheruvu serves as a thoroughfare for people commuting between Kistareddypet Village and Ameenpur is incorrect, particularly given the existence of a four-lane road connecting the two villages. Contrary to its intended purpose of safeguarding the lake and its bund, the Irrigation Department permitted the construction of a concrete road on the bund, thus exposing it to potential harm and contributing to the shrinkage of the lake. Traditionally, the bunds of such lakes are made entirely of mud, functioning as mud dams. These structures are inherently fragile and susceptible to breaches when disturbed, potentially leading to significant flooding in downstream areas, which can result in considerable loss of life and property.
2. Furthermore, these bunds fall under the purview of the Dam Safety Act of 2021, a piece of legislation that mandates numerous compliance measures for any modifications, alterations, or construction activities on such structures. The Dam Safety Act, enacted by the Indian government, aims to prevent dam-related disasters through proper surveillance, inspection, operation, and maintenance of specified dams. It establishes a robust

institutional framework for dam safety at both the central and state levels, including the National Committee on Dam Safety and the National Dam Safety Authority at the national level, and State Committees on Dam Safety and State Dam Safety Organizations at the state level. These bodies are tasked with ensuring the safe functioning of dams and maintaining dam safety standards and policies. Additionally, the Dam Safety Act requires the preparation of an Operation & Maintenance Manual for every specified dam and the allocation of sufficient funds for the maintenance and repairs of these structures.

3. Furthermore, there is nothing in the G.O.Ms. No. 126 MA&UD (Plg.1(1) Dept., Dt: 13-07-2022 for carrying out '*such additional*' works on the Bund or in FTL & Buffer Zone of the Lakes.

w.r.t. para 3 of their Counter Affidavit -

4. The Counter Affidavit in question does not detail the beautification efforts undertaken by the Hyderabad Metropolitan Development Authority (HMDA) for Patla Cheruvu (Lake Id No. 1200/36). This lack of specificity is notable, particularly because the HMDA website, which serves as a public platform for the authority's projects and initiatives, does not readily provide such records either.
5. The HMDA is responsible for preservation and enhancement of lakes within its jurisdiction, as evidenced by the formation of a Lake Protection



Committee. This committee is tasked with the administration of lake protection and improvement initiatives across the Hyderabad Metropolitan Region, aiming to address issues such as groundwater depletion and pollution from various sources.

6. Despite this overarching commitment to lake conservation and beautification, specific information regarding projects related to Patla Cheruvu is not explicitly mentioned in the available public records or on the HMDA's official platform. This absence of detailed information might suggest that the beautification works for Patla Cheruvu have not been documented in a manner that is easily accessible to the public, and such projects may not have been initiated at all leading to illegal encroachments and exploitation.

w.r.t. para 4 of their Counter Affidavit -

7. The Irrigation Department's decision to permit the construction of "Peripheral/Artificial bunds" within the Full Tank Level (FTL) or Buffer Zone of the lake has raised significant concerns. This decision, along with the installation of pipes across the bund to facilitate the unobstructed flow of catchment water through natural floodwater channels, appears to contravene established regulations concerning the protection and management of water bodies. Specifically, G.O.Ms. No. 168 issued by the MA&UD Department on April 7, 2012, clearly stipulates stringent

restrictions on building and development activities in the vicinity of water bodies, including rivers, nalas, lakes, ponds, cheruvus, and kunta/shikam lands.

8. According to these regulations, no construction is permitted within the FTL of any water body, and a designated buffer zone must be maintained around these areas to preserve them as recreational or green spaces. The guidelines specify minimum distances for these buffer zones, varying based on the type of water body and its location relative to municipal boundaries. For instance, building activities are prohibited within 100 meters of a river's boundary outside municipal limits and within 50 meters within such limits. Similarly, for lakes, tanks, kunta/shikam lands of 10 hectares or more, a 30-meter buffer zone from the FTL boundary is mandated.

9. The introduction of "Peripheral/Artificial bunds" by the Irrigation Department, therefore, raises questions about the legal basis for such actions, especially considering the explicit prohibitions outlined in G.O.Ms. No. 168. This government order was designed to safeguard water bodies from encroachment and ensure their conservation as ecological and recreational assets. The creation of artificial structures within protected zones not only contravenes these protective measures but also potentially facilitates unauthorized encroachments, thereby shrinking the natural expanse of the lake and compromising its ecological integrity.

3. RESTRICTION OF BUILDING ACTIVITY IN THE VICINITY OF CERTAIN AREAS:

(a) Water Bodies

(i) No building / development activity shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta / shikam lands.

Memo No. 13612/
M1/2012, Dt. 2-11-12
MAUD - Govt. of AP/TS.
NOC is required from
both Irrigation (Not below
the rank of Executive
Engineer) and Revenue
(Not below the rank of Jt.
Collector) Department.

Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake / Kunta shall be reckoned as measured and as certified by the Irrigation Department and Revenue Department.

(ii) The above water bodies and courses shall be maintained as Recreational/Green Buffer Zone and no building activity shall be carried out within:

- (1) 100m from the boundary of the River outside the Municipal Corporation / Municipality / Nagara Panchayat limits and 50m with in the Municipal Corporation / Municipality / Nagara Panchayat limits. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.
- (2) 30m from the FTL boundary of Lakes / Tanks / Kuntas of area 10Ha and above.
- (3) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10Ha / shikam lands;
- (4) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.
- (5) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.

10. In summary, the actions taken by the Irrigation Department, as described, appear to conflict with the protective intent of existing regulations, specifically G.O.Ms. No. 168, which aims to preserve water bodies by restricting construction activities within their FTL and designated buffer zones. The legality and environmental implications of such decisions warrant further scrutiny to ensure the conservation of water bodies and adherence to established legal frameworks.

w.r.t. para 8 of their Counter Affidavit – [There are no para 6 & 7]

11. The Irrigation Department had clearly admitted that a new temple is being constructed on the Bund of the tank. They had falsely mentioned that the New Temple in place of old temple. The OP-7 had not submitted any

evidence to that effect and no such 'Old Temple' is being seen in any google earth historical images. The OP-7 had not submitted any building permission for construction of temple on the Bund from the local authority. It is submitted that, no Religious Structure can be constructed in any open space. Where a new temple is being constructed on the bund of a tank without proper authorization and evidence of an existing old temple, is contentious and appears to be in violation of several legal directives. The Irrigation Department's lack of evidence for the existence of old temple and the absence of building permission from local authorities for the new construction raises serious legal and environmental concerns.

12. The Supreme Court of India, in an order dated January 31, 2018, explicitly directed that no unauthorized constructions should be carried out or permitted in the name of any religious institution on public lands, including streets, parks, or other public places. This directive was part of a broader effort to address the issue of unauthorized religious structures occupying public land, which had become widespread across various states. As per the government's submission in the Orissa High Court, there were thousands of such unauthorized structures, highlighting the scale of the issue. [*Ex – 11, Pgs. 113 – 126, Judgement of Supreme Court in Special Leave to Appeal (c) No (s) 8519/2006*]

13. Furthermore, the Delhi High Court has reinforced the obligation of the State to remove all unauthorized constructions on public land, emphasizing that the presence of religious structures does not exempt them from this mandate. The court's stance makes it clear that religious structures cannot be used as a pretext to encroach upon public land or to carry out unauthorized construction. [*Ex 12, Pgs. 127 – 131 : OA 419/2021 NGT (PB)*]

14. Additionally, the National Green Tribunal's final order dated July 26, 2022, in O.A. No. 419 of 2021, underscored that constructions raised without rightful claims on government land, particularly those marked as open spaces in layout plans, are illegal encroachments. The Tribunal directed the removal of such encroachments and the restoration of the land as per the law, highlighting the importance of maintaining designated open spaces free from unauthorized constructions, including religious structures.

15. These legal precedents and directives collectively underscore the importance of adhering to authorized land use and the necessity of obtaining proper permissions for construction, especially on public lands and near water bodies. Unauthorized constructions, irrespective of their nature, pose legal, environmental, and social challenges and must be addressed in accordance with the law to ensure the preservation of public spaces and adherence to legal standards.

w.r.t. para 8 of their Counter Affidavit –

16. Para 8 is undisputed and the Respondents have grossly violated creating their own ‘Pocket-Rules’.

w.r.t. para 9 of their Counter Affidavit –

“Pocket Rules of Irrigation Department”

17. The Irrigation Department had created their own “Pocket Rules” to allow constructions in the Buffer Zone of a water-body. They have created their own Guidelines vide Memo of “Chief Engineer (MI) Hyderabad Vide Memo No. DCE-II /OT1/SO3/73/NOC/OFMK EMP Assn/2014-1, Dt. 24-04-2014” with regard to the Bund Buffer to be left on downstream of the tank. It is submitted that the Irrigation Department has no authority to Bypass G.O.MS.No. 168 (MAUD) which are Building Rules framed by Government. ***A Chief Engineer cannot come out with his own set of ‘Guide-Lines’ which are in complete violation of the established Building Rules.*** On plain perusal of the enclosed MEMO it is submitted that, the MEMO was issued for issuing NOC for the Construction of Residential Houses etc., in Sy. No. 284/P, 285/P & 286/P Situated at Singapur (V), Shankarpally (M) to OKMK employees Association. These illegal ‘Guide-Lines’ cannot be implemented to any other waterbody at all. The 7th Respondent had come out with this weak support just to cover-up his illegal act, allowing constructions in the 30 Meter Buffer zone on the Bund Side of

the Patla Cheruvu (Lake Id No. 1200/36). Sec. 3(a)(i) of Telangana Building Rules, 2012 – G.O.Ms. No. 168, Municipal Administration & Urban Development, Dt. 07-04-2012 stipulates that –

3. RESTRICTION OF BUILDING ACTIVITY IN THE VICINITY OF CERTAIN AREAS:

(a) Water Bodies

Memo No. 13612/
M1/2012, Dt. 2-11-12
MAUD - Govt. of AP/TS.
NOC is required from
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Collector) Department.

(i) No building / development activity shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta / shikam lands.

Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake / Kunta shall be reckoned as measured and as certified by the Irrigation Department and Revenue Department.

(ii) The above water bodies and courses shall be maintained as Recreational/Green Buffer Zone and no building activity shall be carried out within:

- (1) 100m from the boundary of the River outside the Municipal Corporation / Municipality / Nagara Panchayat limits and 50m with in the Municipal Corporation / Municipality / Nagara Panchayat limits. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.
- (2) 30m from the FTL boundary of Lakes / Tanks / Kuntas of area 10Ha and above.
- (3) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10Ha / shikam lands;
- (4) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.
- (5) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.

18. The Municipal Administration & Urban Development vide its Memo No. 13612/M1/2012, Dt. 02-11-2012 had issued clarifications in respect to various sections of the Building Rules/G.O.Ms. No. 168 – In its clarification in Serial No. 1, they had clarified that –

GOVERNMENT OF ANDHRA PRADESH
MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT DEPARTMENT

Memo No. 13612/M1/2012 Dated: 02.11.2012

Sub : MA&UD Dept - G.O.Ms.No. 168, dt: 07.04.2012 - Certain requests / information sought from individuals / institutions / organizations - clarifications issued - Reg.

Ref : 1. G.O.Ms.No. 168, MA&UD Department Dated: 07.04.2012.
 2. Representations/requests from various individuals/Institutions / organizations
 3. MemoNo.13612/M1/2012, Dated: 05.06.2012 and 03.09.2012
 4. From DTCP, Hyderabad Lr.Fc.No.8343/2011/P., Dated: 20.09.2012.

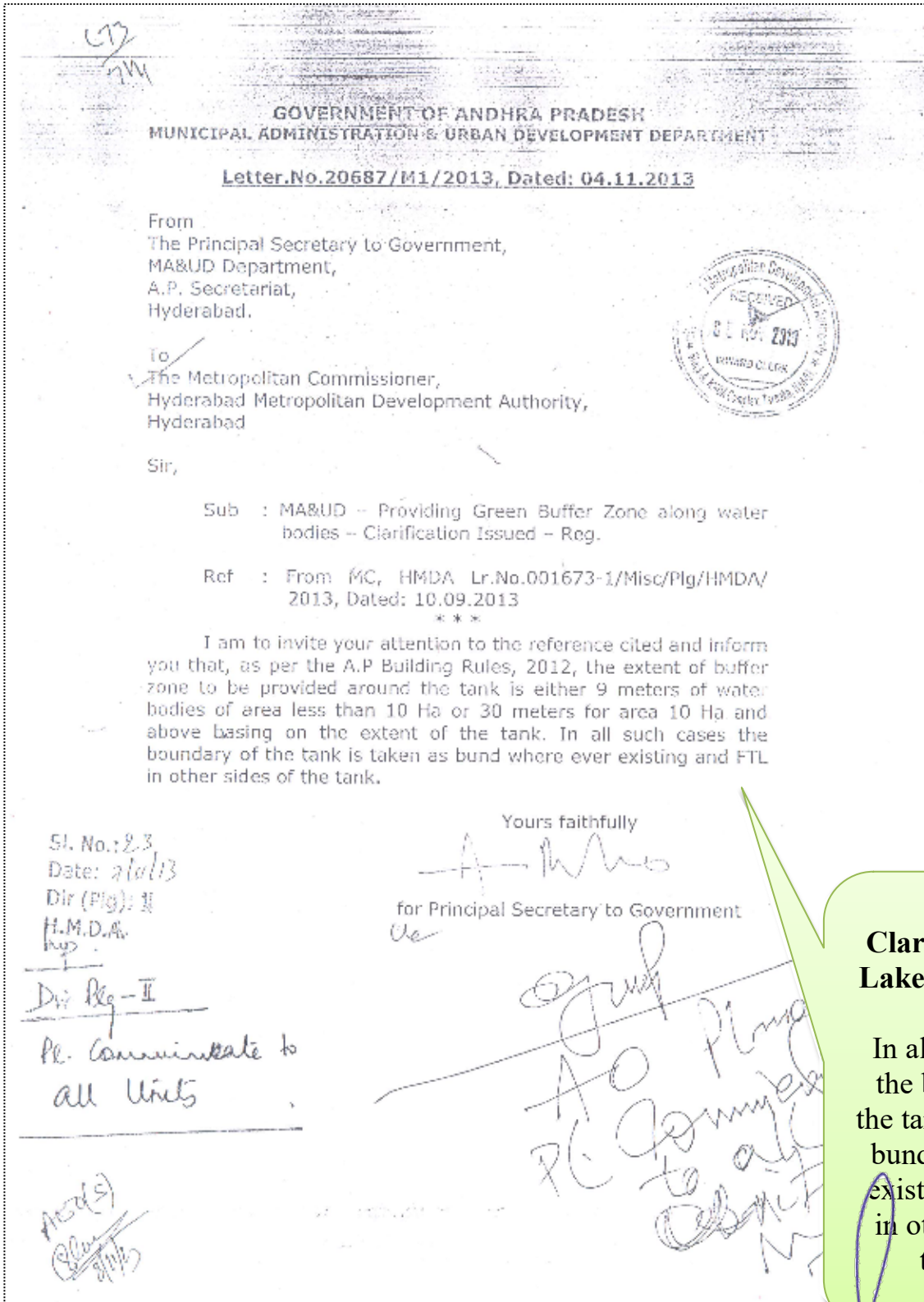
The attention of the officers noted in the address entry are informed that, certain requests / information sought from individuals / institutions / organizations have been received by the Government regarding newly issued Andhra Pradesh Building Rules i.e. G.O.Ms.No.168 MA Dated 07.04.2012.

2. Government have examined the matter in the light of the remarks submitted by the Director of Town & Country Planning, A.P. Hyderabad vide reference 4th cited here by issue the following clarifications regarding newly issued Andhra Pradesh Building Rules vide reference 1st cited.

Sl. No.	Rule	Subject / Issue	Clarification
1	3 (a)(i)	The FTL is to be certified by Irrigation Department 'and' Revenue Department. The word 'and' may be replaced with 'or', otherwise in every case the certificate needs to be obtained from both the departments that is likely to lead to lot of inconveniences to the common man.	NOC is required from both Irrigation (Not below the rank of Executive Engineer) and Revenue (Not below the rank of Joint Collector) departments.
2	3 (a)	Is it necessary to submit No. Objection	Yes.

Clarification for Sec. 3(a)(i)
 NOC is required from both Irrigation (Not below the rank of Executive Engineer) and Revenue (Not below the rank of Joint Collector) departments.

19. The Municipal Administration & Urban Development vide its Letter No. 20687/M1/2013, Dated 04-11-2013 had made a clarification with respect to boundary of the Lake –



Clarification for Lake Boundary –

In all such cases the boundary of the tank is taken as bund where ever existing and FTL in other sides of the tank.

20. The Lake Protection Committee vide its Notification “Notification of Full Tank Level Boundaries And Buffer Zones Of Lakes/Water Bodies In Hyderabad Metropolitan Region” No. 1404/HMDA/EE L&P/2013-14/9, Dt. 07-06-2014 had in Serial No. 28 notified 1200/36 Patla Cheruvu.
21. Basing on the HMDA FTL Map, Clarifications issued by the MAUD, number of constructions have been identified in the FTL & Buffer zone of 1200/36 Patla Cheruvu. The FTL & Buffer Zone plotted on Goggle Earth Image already submitted as evidence of construction of Temple and Buildings on the Bund and Buffer Zone of the 1200/36 Patla Cheruvu.

As such the stand taken by the Irrigation Officials R-6 & R-7 are completely false and misleading and against law – cannot be accepted.

22. The 4th Respondent had filed their Report in the matter – In their report they had stated that –
- (a) Patla Cheruvu is located at Patelguda (V), Ameenpur (M) of Sangareddy District. The water body is surrounded by thick residential area in up-stream and down-stream of the water body.
- (b) Surrounding of the water body are; North - bund followed by Residential area, South - bund followed by BHEL Metro Enclave Colony, East - bund followed by Residential area and West - Road followed by Residential area.
- (c) Water was observed only in few portions of the water body. RCC road was laid on the bund on the South side. [**Established – Proves Our Case**]

- (d) Bund is constructed around the water body and spun pipes were provided beneath the bund at 3-4 locations on the North and East sides for facilitating the rain water surface run-off to enter the water body. **[Established – Our Allegation – Artificial Bund Created In The FTL]**
- (e) Drainage lines were provided to the surrounding residential area. However, slight discharge of sewage was observed from the spun pipe attached to manhole on the North-West corner of the water body. Municipal Solid Waste/Garbage dumping was also observed in and around the water body. **[Established – Proves Our Case]**
- (f) No industries are located in the surroundings of the water body. The source of pollution is due to sewage water & surface runoff from the upstream residential areas. **[Established – Proves Our Case]**
- (g) As per the analysis of water samples collected from the Patel Cheruvu on 16.09.2021 and 14.12.2022, as per the CPCB water quality criteria, the water quality comes under Class-D, which is suitable for propagation of wildlife and fisheries. A copy of the Analysis report is enclosed as ANNEXURE-L
- (h) A Notice was issued to the Panchayath Secretary for not taking necessary measures to prevent the sewage from entering the water body and for not complying with Municipal solid waste rules, 2016. A copy of the notice is enclosed as ANNEXURE-II.
- (i) The photos of the water body and surroundings are enclosed as ANNEXURE-III.

It is submitted that,

➔ No Inlet or Outlet Nalas have been observed – The colonies surrounding the lake completely encroached them.



➔ Since an artificial bund has been created in the FTL area of the Lake, fresh rain water is stopped flowing into the lake from the catchment area – thereby killing the lake.

23. The Respondents failed to show –

- (a) That there existed a temple on the Bund – The photographs enclosed by the Applicant do not show any old temple on the Bund.
- (b) That there is building permission for the Houses constructed by the Respondents 14 & 15 adjacent to the Bund.
- (c) That there is building permission for the construction of the Temple from the Respondent 13.
- (d) The Respondents 1, 2, 3, 5, 11, 12 & 13 did not file their reply clearly indicating that the allegations made by the Applicants are true.
- (e) The Respondents 6 & 7 couldn't file a single piece of any regulation for construction activity on the Bund, In the FTL or in the Buffer Zone which are in complete violation of G.O.Ms. No. 168.

In light of the above facts, the Applicants respectfully pray that this Hon'ble Tribunal may kindly:-

- 1.1. Direct the Official Respondents to immediately remove the construction of Temple on the Bund along with the Building in Buffer Zone bearing H. No.: 5-95/6220 located adjacent to the Temple on the Bund of 1200/36 Patla Cheruvu, Patelguda Village being constructed by the Respondents No. 14 & 15.
- 1.2. Direct the Official Respondents to immediately remove all the constructions on the Bund, FTL, Buffer Zone of the 1200/36 Patla Cheruvu, Patelguda Village.

- 1.3. Direct the Official Respondents to remove the artificial bund created in the FTL of the 1200/36 Patla Cheruvu, bordering Kistareddypet Village so that the rain water will fill the tank from the catchment area directly without any obstruction.
- 1.4. Direct the Official Respondents to allow only treated sewerage water into the 1200/36 Patla Cheruvu to completely stop pollution of the waterbody.
- 1.5. Direct the Official Respondents to stop & remove illegal laying of CC Road on the Bund of 1200/36 Patla Cheruvu.
- 1.6. Direct the State Government of Telangana to form a committee to investigate the collusion of officials and builders for flouting laws, non-compliance of regulations and direction of this Hon'ble Tribunal, High Court and Supreme Court and initiate legal proceedings against such erring officials.
- 1.7. And pass such other order or orders which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and in the interest of protection of Environment.

Date: 01-12-2024

Place: Hyderabad

(for Applicants 1 & 2)
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BEFORE THE
NATIONAL GREEN
TRIBUNAL

South Zone Bench At
Chennai, T.N.

O.A. No. 102 OF 2022 (SZ)

Between :

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

..... Applicants

AND

1. The State of Telangana & 14
Ors.

.....Respondents.

**Written Arguments
Filed By The Applicant**

Filed On : 01-12-2024

e-Filed By : 1st Applicant.

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