

BEFORE THE NATIONAL GREEN TRIBUNAL - SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO.103 OF 2022 (SZ)

BETWEEN:

Dr. Lubna Sarwath

.....Applicant

and

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

. . . Respondents

COMMON REJOINDER TO ALL THE STATE RESPONDENTS BY THE
APPLICANT

1- I submit that the seriousness of the situation wherein the FTL area, of the two 104-year old Drinking Water Reservoirs viz., Osman Sagar and Himayath sagar , are encroached, is not reflected in any of the Counters filed by the Respondents.

2- While I have submitted official maps obtained from the Respondent HMWSSB under RTI , that contains officially identified /demarcated encroachments, and my humble prayer in my original application is for removal of all the encroachments from the FTL boundaries on war footing to preserve our Drinking Water Reservoirs., it is observed that the officials are focusing and only rushing to falsely defend the Oro sports and give false statements on the location of the Oro sports.

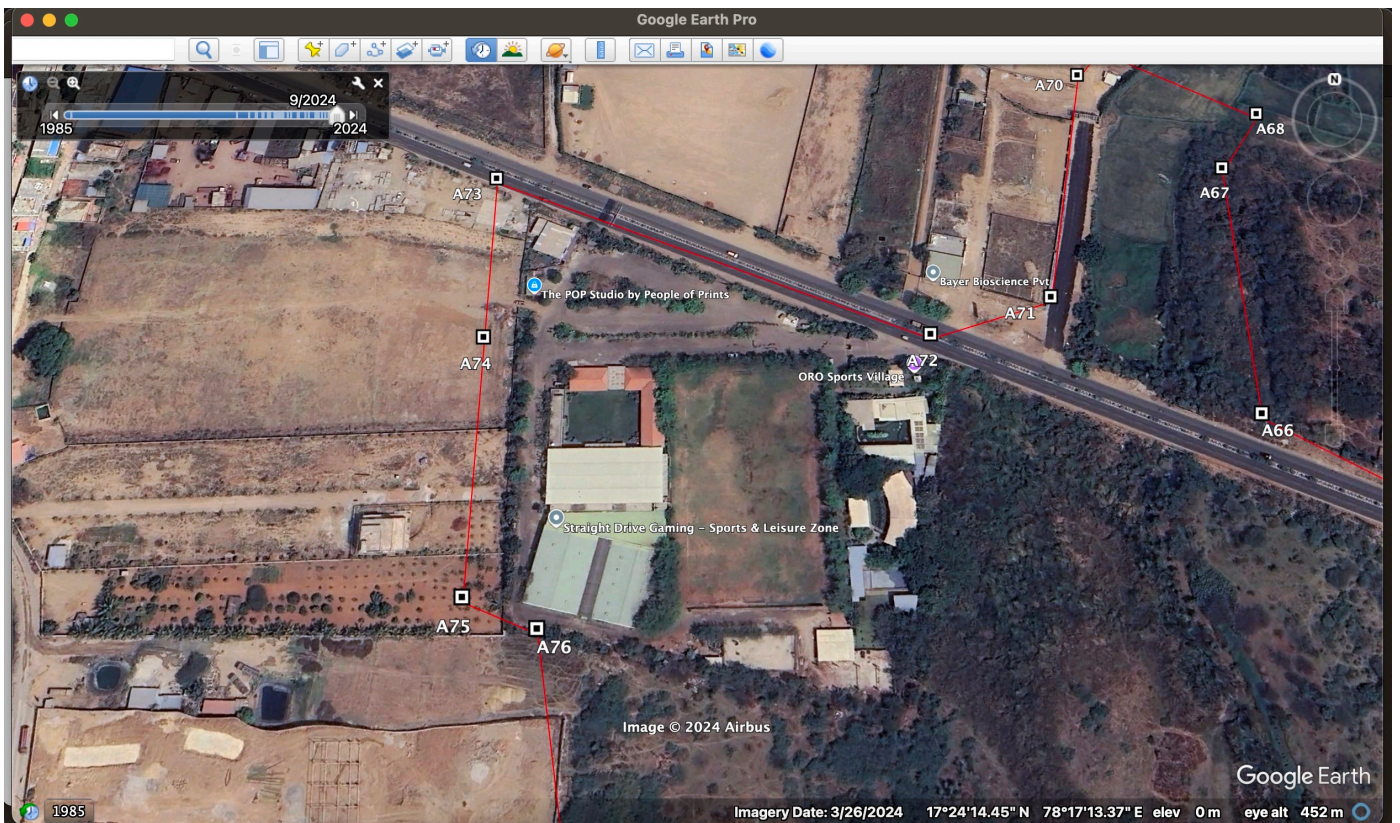
3- I submit that on 18 august 2024 officials had demolished Oro Sports. (This was widely reported in the media). But this information has not been submitted by any of the respondents till date to the Hon'ble Tribunal and has been suppressed.

Prior to demolitions, it was established through official surveys that the contents of the Joint Committee report dated 07.09.2015 being cited in the REPORT OF THE IRRIGATION DEPARTMENT BY THE 6th RESPONDENT at Annexure III , is totally false and major penalty proceedings have been initiated against the irrigation officials of the JC report.

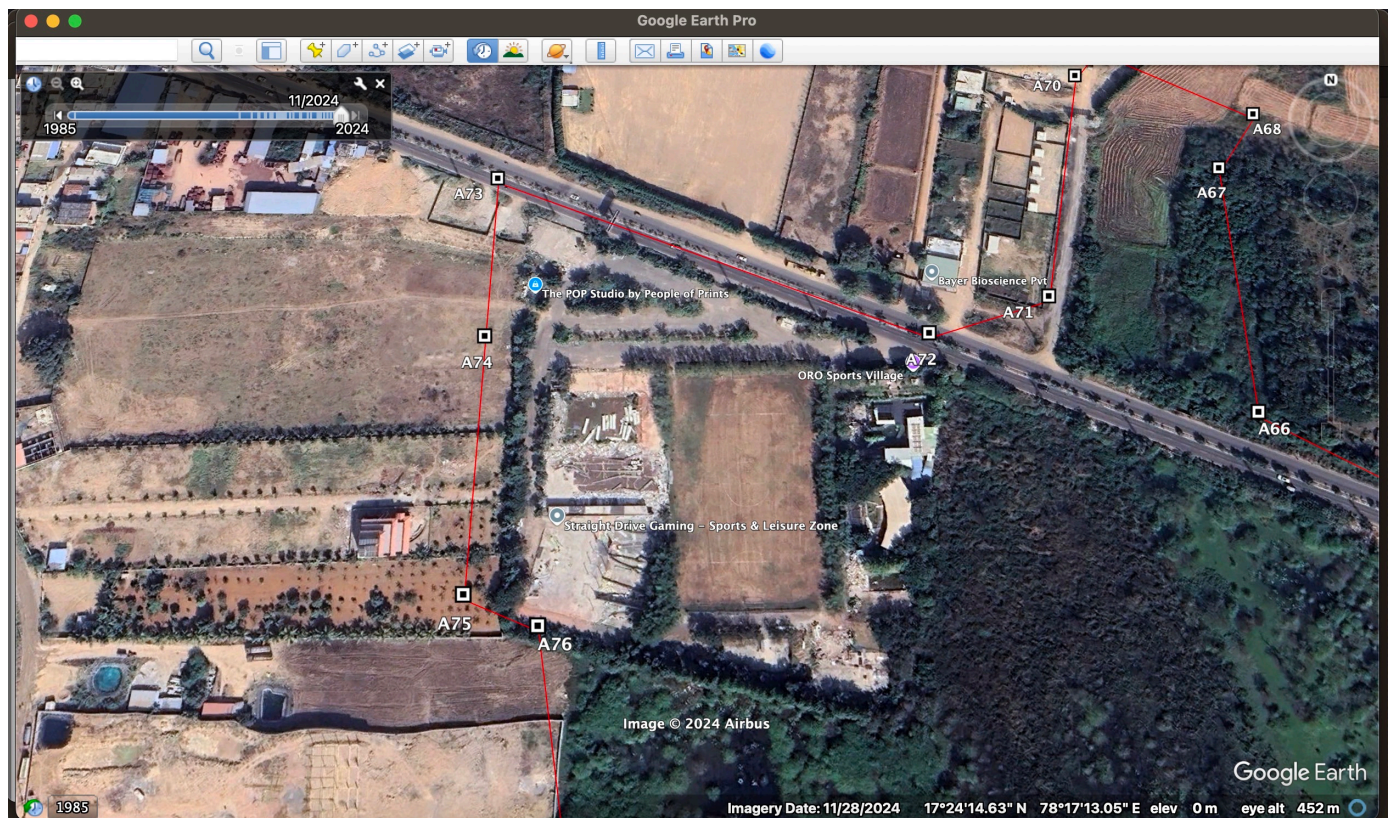
Below are the satellite images of Oro sports **before demolition August 2024** and **after demolition** latest satellite imagery of November 2024.



Picture 1: Satellite Imagery Extract dated 26/03/2024 from Google Earth of Oro Sports before demolitions of 18/08/2024:



Satellite Imagery Extract dated 28/11/2024 from Google Earth of Oro Sports after demolitions of 18/08/2024:



4- I submit that, the Respondent HMWSSB in its reply dated 05.10.2023, fraudulently with intentions not in good faith, addresses the twin Drinking water reservoirs as 'lakes' at multiple times in the Affidavit.

Out of 7 paras, at 4 paras viz., para 2,3,5 and 6 HMWSSB addresses the twin Drinking Water Reservoirs as 'lakes'. I reject the entire submission of HMWSSB dated 05.10.2023 on the ground of their falsification cited above.

5- It is pertinent to observe that the HMWSSB, the HMDA, the ICAD, the Thasildar, the Collector, the TGPCB, none of the Respondents have bothered to clear the debris and restore the area of Osman sagar drinking water reservoir where the demolitions have taken place, as also evident from the satellite imageries submitted at para 3 above.

6- I submit that the Supreme Court in its recent orders dated 15.11.2024 had also stated at para 6 and para 9 as follows:

IN THE SUPREME COURT OF INDIA CIVIL/CRIMINAL
ORIGINAL JURISDICTION WRIT PETITION (CIVIL) NO.295 OF
2022. In Re: Directions in the matter of demolition of structures

6. Vide order dated 17th September 2024, we directed that, *“there shall be no demolition anywhere across the country without seeking leave of this Court”*. However, we clarified that, *“our order would not be applicable if there is an unauthorized structure in any public place such as road, q street, footpath, abutting railway line or any river body or water bodies and also to cases where there is an order for demolition made by a Court of law”*.

“91. At the outset, we clarify that these directions will not be applicable if there is an unauthorized structure in any public place such as road, street, footpath, abutting railway line or any river body or water bodies and also to cases where there is an order for demolition made by a Court of law. “



I submit that such were the exceptions given by the Hon'ble Apex Court regarding issue of notices before demolitions with regards to saving protection of water bodies as it relates to Article 21 of Constitution of India Right to Life.

7- I submit that the Hon'ble Supreme Court also yet in another Order dt 17.12.2024 stated as follows:

Civil Appeal No. 14604 of 2024 (Arising out of SLP (C) No.36440 of 2014). D/d. 17.12.2024.

“20. In the ultimate analysis, we are of the opinion that construction(s) put up in violation of or deviation from the building plan approved by the local authority and the constructions which are audaciously put up without any building planning approval, cannot be encouraged. Each and every construction must be made scrupulously following and strictly adhering to the Rules. In the event of any violation being brought to the notice of the Courts, it has to be curtailed with iron hands and any lenience afforded to them would amount to showing misplaced sympathy. Delay in directing rectification of illegalities, administrative failure, regulatory inefficiency, cost of construction and investment, negligence and laxity on the part of the authorities concerned in performing their obligation(s) under the Act, cannot be used as a shield to defend action taken against the illegal/unauthorized constructions. That apart, the State Governments often seek to enrich themselves through the process of regularisation by condoning/ ratifying the violations and illegalities. The State is unmindful that this gain is insignificant compared to the long-term damage it causes to the orderly urban development and irreversible adverse impact on the environment. Hence, regularization



schemes must be brought out only in exceptional circumstances and as a onetime measure for residential houses after a detailed survey and considering the nature of land, fertility, usage, impact on the environment, availability and distribution of resources, proximity to water bodies/rivers and larger public interest. Unauthorised constructions, apart from posing a threat to the life of the occupants and the citizens living nearby, also have an effect on resources like electricity, ground water and access to roads, which are primarily designed to be made available in orderly development and authorized activities. Master plan or the zonal development cannot be just individual centric but also must be devised keeping in mind the larger interest of the public and the environment. Unless the administration is streamlined and the persons entrusted with the implementation of the act are held accountable for their failure in performing statutory obligations, violations of this nature would go unchecked and become more rampant. If the officials are let scot-free, they will be emboldened and would continue to turn a nelson's eye to all the illegalities resulting in derailment of all planned projects and pollution, disorderly traffic, security risks, etc. “

8- I submit that the Original Memoirs held in custody of the Respondent HMWSSB and other state respondents be submitted to the Hon’ble Tribunal promptly to know the extent of the factual water spread at FTL, Capacity at the FTL, so that water to the fullest capacity may be stored for the people of IHyderabad, given that the reservoirs are nearest to the city and water travels by water conduits to the city filter beds by gravity, at lowest cost to the people.

9- I submit that firstly, as per the primary evidence of the RTI maps , that have been submitted in my Original Application in 2022 , as given by the state



respondents themselves under RTI, identifying the encroachments may be ordered for removal forthwith without any delay, and, secondly, that all officials entrusted with the Drinking water Reservoirs viz., Osman Sagar and Himayath Sagar are held accountable, in compliance of the Apex orders cited above.

Major penalty proceedings must be initiated against all the state respondents involved as initiated towards Irrigation officials as mentioned in para 3 above for manipulating maps of precious common Drinking Water Reservoirs.

VERIFICATION

I, Dr Lubna Sarwath, d/o Mrs Roohi & late Mohammad Khaleelullah, herein declare that the contents stated in the above affidavit are true and correct to the best of my knowledge and belief.



Date: 23 December 2024
Place: Hyderabad

Dr Lubna Sarwath
Applicant

