

BEFORE THE NATIONAL GREEN TRIBUNAL – SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION NO.103 OF 2022 (SZ)

BETWEEN:

Dr. Lubna Sarwath

.....Applicant

-Vs-

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

.... Respondents

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Date:30 .07.2024.

Place: Hyderabad

Yasmeen Ali

Smt. Yasmeen Ali
Counsel for State of Telangana

Smita
Executive Engineer, I&CAD.,
Irrigation Division No. 1,
Red Hills, Hyderabad.

30/7/24
Dy. Executive Engineer I & CADD.,
Irrigation Sub Division No. 4, Hyderabad

DEPONENT

BEFORE THE NATIONAL GREEN TRIBUNAL – SOUTHERN ZONE, CHENNAIORIGINAL APPLICATION NO.103 OF 2022 (SZ)BETWEEN:

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

.... Respondents

REPORT OF THE IRRIGATION DEPARTMENT BY THE 6th RESPONDENT

1. I, Ch. Sunitha W/o Sri M.A. Nayeem Taher Siddiqui, Age:56 years, R/o Hyderabad, Occ: Government Service, presently working as Executive Engineer, Irrigation and CAD Department, Irrigation Division No.1, Hyderabad, Red Hills, Hyderabad, do hereby solemnly affirm and sincerely state on oath as follows.
2. It is humbly submitted that, as per the Hon'ble National Green Tribunal (SZ), Chennai passed in orders Dt:14.03.2024 to the Respondent No.6 to file an independent report from Irrigation Department on the encroachment and illegal constructions in FTL area of Osman Sagar Lake located in Gandipet Mandal of Ranga Reddy District in Survey Nos.245 & 246.
3. It is humbly submitted that, Osman Sagar Lake is a Notified Reservoir under HMDA jurisdiction with its Lake ID:2907. The storage capacity of this

Sang
Jy. Executive Engineer I & CADD.,
Irrigation Sub Division No. 4, Hyderabad

ATTESTER

Sunitha
Executive Engineer, I&CAD.,
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DEPONENT

Reservoir is 3.90 TMC and FTL Level is +1790 Feet.

4. It is humbly submitted that, the Osman Sagar Reservoir & Himayath Sagar Reservoir both reservoirs are monitoring by the HMWS & SB Dept., on ground as per the Govt.of Telangana, I&CAD (PC) Department U.O.Note No.1122/PC/2023, Dt:21.02.2023 (Copy of the Govt.Memo enclosed as Annexure-I for perusal).
5. It is humbly submitted that, as per the instructions of the National Green Tribunal, the Hyderabad Metropolitan Development Authority (HMDA) surveyed the Osman Sagar Reservoir along with the other lakes in the year 2014 and fixed the parameters of the lake in coordination with Irrigation & CAD, Revenue and HMWS & SB Departments. (The FTL Map is enclosed as Annexure-II).
6. It is humbly submitted that, the Special Grade Deputy Collector & RDO of Rajendranagar Division issued notices to several property holders, including the subject land owner of ORO sports village, under section 11 r/w section 7 of AP(TA) Irrigation Act 1357F. Challenging above notices some of owners, including land owner wherein ORO Sports Village is situated approached the Hon'ble High Court by way of filing several writ petitions and Hon'ble High Court directed no demolition of structures if any and gave liberty to Petitioners to file objects. Meanwhile, District Collector, Ranga Reddy constituted a committee consisting of members of Superintending Engineer

Ranga
 Dy. Executive Engineer I & CADD.,
 Irrigation Sub Division No. 4, Hyderabad

Srinivas
 Executive Engineer, I&CAD.,
 Irrigation Division No. 1,
 Red Hills, Hyderabad.

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Irrigation, Executive Engineer (North Tanks Division), Chief General Manager, HMWS & SB and SGDC & RDO, Rajendranagar Division with direction to identify the structures falling in FTL zone, buffer zone of Osman Sagar (Gandipet Lake).

7. It is humbly submitted that, The referred team visited and surveyed the Osman Sagar Lake for demarcation of FTL & Buffer zone in presence of owners of the lands, who approached the Hon'ble High Court. The team submitted a joint survey and inspection report to the Revenue Divisional Officer, Rajendranagar Division, Ranga Reddy District vide the Superintending Engineer, Irrigation Circle, Ranga Reddy vide Lr.No.DEE/YS-1/2641/2Nos, Dt:07.09.2015, the copy of which is annexed. The report clearly stated that top of surplus weir of Osman Sagar (Gandipet Lake) is 1790 feet, and it is meeting the FTL land given in old memoirs available in IB Division, Hyderabad. As per the survey of properties in Survey Numbers. 245/2, 246/2, 283, 234, 233/2, 214, 216 of Khanapur Village are not coming within the FTL Contour, i.e., 1790 feet of Osman Sagar Reservoir, and only some portion of compound wall of some other property in Survey Nos.214 & 216 is touching the FTL contour and coming under buffer zone, the existing buffer between FTL contour and the properties in these survey numbers is about 313 meters to 23 meters. (Survey Report & Map enclosed in Annexure-III).

Sara
Dy. Executive Engineer I & CADD.,
Irrigation Sub Division No. 4, Hyderabad
ATTESTER

Sunitha
Executive Engineer, I&CAD.,
Irrigation Division No. 1,
Red Hills, Hyderabad.

DEPONENT

8. It is humbly submitted that, the expert committee has submitted the Joint inspection report duly mentioning that the FTL of Osman Sagar is approximately 313mts to 255mts away from the boundary of ORO Sports Village situated in Khanapur Village i.e., in Survey Numbers.245/2 & 246/2. As per the experts committee report, the alleged site of ORO Sports Village is not affected with the FTL of Osman Sagar Reservoir.

9. Further, it is to submit that based on the Hon'ble National Green Tribunal (SZ), Chennai Orders, Dt:25.07.2023, The then Executive Engineer, Irrigation Division No.1, Hyderabad along with concerned field officials have inspected the above stated Survey Numbers i.e., 245 & 246 and carried FTL Survey for cross Checking. The FTL survey was carried out with the existing benchmark/water level readings collected from Osman Sagar Reservoir main dam. The FTL level of the Osman Sagar Reservoir is marked as 1790 Feet. The necessary levels are carried out from the DGPS instrument and collected the levels of ORO sports village. During the survey, it is noticed that the water levels in Osman Sagar Reservoir is approximately 1788.0feets i.e., 2 feet lower than the actual FTL of Osman Sagar Reservoir (Photos are enclosed for perusal).

The present existing levels of ORO Sports Village are higher than the FTL level of Osman Sagar Reservoir. The above detailed report is submitted here on technical aspects as per the instructions of the Hon'ble NGT Court (SZ),

Sang
Dy. Executive Engineer I & CADD.,
Irrigation Sub Division No. 4, Hyderabad
ATTESTER

Sanjiv
Executive Engineer, I&CAD.,
Irrigation Division No. 1,
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DEPONENT

Chennai.

For the aforementioned reasons, it is therefore prayed before this Hon'ble Tribunal, may be pleased to dismiss the present Original Application matter and pass such other order or orders as this Hon'ble Tribunal may deem fit in the interest of Justice.

Smt. Ali
Executive Engineer, I&CAD.,
Irrigation Division No. 1,
Red Hills, Hyderabad.

DEPONENT

Solemnly affirmed and the contents of this Affidavit at Telangana on this day 30th July, 2024 signed her name on my presence
DEPONENT

//Before//

Smt. Ali
Executive Engineer I & CADD.,
ATTESTER Hyderabad

VERIFICATION

I, Ch. Sunitha W/o Sri M.A. Nayeem Taher Siddiqui, Age:56 years, R/o Hyderabad, Occ: Government Service, presently working as Executive Engineer, Irrigation and CAD Department, Irrigation Division No.1, Hyderabad, Red Hills, Hyderabad, 6th Respondent herein do hereby verify and declare that the contents stated in the above affidavit are true and correct to the best of my knowledge and belief.

Sunitha
Executive Engineer, I&CAD.,
Irrigation Division No. 1,
Red Hills, Hyderabad.

DEPONENT

Date:30 .07.2024.

Place: Hyderabad

Smt. Yasmeen Ali
Counsel for State of Telangana

O/o the Engineer-in-Chief
(General)
Irrigation & CAD Department
Eranwara, Hyderabad-500 082.

C.No: 919
Date: 23/02/23

**URGENT:
NGT Case:**

**GOVERNMENT OF TELANGANA
IRRIGATION & CAD (PC) DEPARTMENT**

[Handwritten signature]
23/02/23

U.O.Note No.1122/PC/2023

Dated:21.02.2023

Sub: I&CAD(PC) Dept., - O.A No. 103 of 2022 (SZ) filed by Dr. Lubna Sarwath Vs. State of Telangana relating Oro Sports constructed within FTL limits in Osman Sagar Lake- Reg.

Ref: From the ENC(G), I&CAD Dept., Hyd., Lr.No.ENC(G) /CE/SE(P&M)/DCE(MI)/DEE3/AEE2/NGT O.A.No.103 of 2022, Dt:08.02.2023.

A copy of the reference cited, together with its enclosures is sent herewith to the Municipal Administration & Urban Development Department with a request to take further necessary action in the matter under intimation to the I&CAD Department as the FTL map of Osman sagar & Himayat sagar reservoirs are finalized by the Hyderabad Metropolitan Water Supply & Sewerage Board(HMWS&SB), being monitored by them on ground.

**Dr. RAJAT KUMAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To
The Municipal Administration & Urban Development Department,
MA&UD Campus,
Opposite RTI Building,
A.C.Guards, Masab tank,
Hyderabad-04.(w.e)

Copy to:
The Engineer-in-Chief (Genl), I&CAD Department, Hyderabad.
SC/SF.

././FORWARDED BY ORDER./.

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SECTION OFFICER

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23/2/23

GOVERNMENT OF TELANGANA
IRRIGATION & CAD DEPARTMENT

From:
T.Venkatesham, B.E.,
Superintending Engineer, I& CADD., (FAC).,
Irrigation Circle, Ranga Reddy District
Red Hills, Hyderabad,

To,
The Revenue Divisional Officer,
Rajendranagar Division
Ranga Reddy district

Lr.No:DEE/TS-1/2611/2015

Date: 7-09-2015



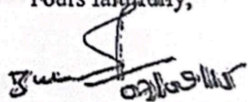
Sub:- HMWSSB-RR District- Rajendranagar Mandal- Osman Sagar Village-
Verification and Demarcation of structures coming within the FTL zone of
Osman Sagar - Joint Inspection team constituted -Submission of report-
Reg

Ref: - District Collector, RR District Lr. No. D3/3700/2015 Dt:22.06.2015.

With reference to the letter cited, the Joint Inspection report of the committee
constituted by the District Collector, Ranga Reddy District to identify the structures falling
in FTL zone and Buffer zone of Osman Sagar, is submitted herewith for favour of
information and necessary action.

- Encl: 1. Joint Inspection Report.
2. Location Sketch showing the
Structures in question & FTL
Boundary of Osmansagar

Yours faithfully,


Superintending Engineer, I&CADD., (FAC),
Irrigation Circle, Ranga Reddy District.

Information Issued
under RTI Act 2008

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JOINT INSPECTION REPORT OF THE COMMITTEE CONSTITUTED BY THE DISTRICT
COLLECTOR TO IDENTIFY THE STRUCTURES COMING IN THE F.T.L AND BUFFER ZONE OF
OSMANSAGAR

A writ petition was filed in the High Court of Judicature at Hyderabad for the state of Telangana and AP, under article 226 of the constitution of India against seven respondents by one Sri Vidyadhar Reddy. The petitioner pleads to declare the action of respondents particularly the action of fifth respondent in issuing an order under A.P(Telangana Area) irrigation act 1357 fasli as being arbitrary, illegal, unconstitutional, in violation of principles of natural justice and without any authority of law hence the same may be set aside.

The action of the fifth respondent is a notice issued by him to the petitioner under section 11 r/w sec.7 of AP (Telangana Area) irrigation act, 1357 fasli. The notice alleges that the petitioner constructed structures in the FTL/Buffer zone area of Osmansagar lake at survey no 246 of Khanapur village. The notice demands the petitioner's eviction from the so-called encroached area across the lake and warns that action will be taken under section 40 of the A.P(Telangana Area) Irrigation act 1357 fasli. The basis for the notice is a joint inspection conducted by the Revenue, Irrigation and other related officials on the status FTL of Osmansagar lake.

The petitioner pleads that the joint inspection was done without any notice to anyone including the petitioner and hence, questioned the legality of the joint inspection and the proposed action initiated based on that joint inspection. Hence, the petitioner requested the Honourable court to issue necessary orders and informed the Honourable court that he is ready for any third party/independent inspection of the contour levels of the petitioner's property, if Honourable court deems it necessary.

Accordingly, the Honourable High Court has given the liberty to the petitioner to file his objections before the fifth respondent within fifteen days of the receipt of the copy of the Honourable court orders and instructed the fifth respondent to consider the petitioner's objections and pass necessary orders within fifteen days thereafter.

As per court orders, the petitioner has filed his objections before the fifth respondent, the special grade Deputy collector and Revenue Divisional Officer, Rajendranagar Division. In the meanwhile, based on the representation given by the petitioner the Managing Director, Hyderabad Metro Water Works has addressed the District Collector, Ranga Reddy to constitute a committee of officers from various departments and requested to verify the status of encroachments in the Buffer and FTL zones of Osmansagar.

To bring the issue to a logical conclusion, the District Collector constituted a committee with following members.

1. Superintending Engineer (Irrigation), RR dist
2. Executive Engineer, North tanks division, Hyderabad
3. Chief General manager (Engg) Transmission, HMWS &SB
4. Revenue Divisional Officer, Rajendranagar division, RR dist..... Convener

The Committee is directed to visit the location as many times necessary and identify the FTL Zone and Buffer zone of Osmansagar with reference to the structures in dispute. It is also instructed to complete the task before 4-7-2015. However, due to heavy work load of Mission Kakatiya, the Committee could not complete the task within the time. It took four different days for the Committee to complete the survey and identification of the FTL and Buffer zone with reference to the structures.

-10-

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The Superintending Engineer, Irrigation Circle, RR dist and EE, North tanks Division along with Chief General manager (Engg) Transmission, HMWS &SB and Revenue Divisional Officer have taken up the survey in the presence of petitioners.

The survey was taken up on the following four days and the survey is limited to identifying the locus standy of Sri Vidyadhar Reddy's property and others with reference to FTL of Osmansagar.

Survey on 04-07-2015 (FIRST DAY):

The main purpose of this whole survey is to carry the FTL of the lake up to petitioner's land and to check whether that land is coming below / above FTL. To achieve this, we have to carry the FTL from its original place (surplus weir) to the petitioner's land about four to five Km away. For any reservoir it's FTL point is top of it's surplus weir, i.e the point up to which a reservoir can store water. The survey was started with a Total Station and with an Auto Level. As per the memoirs available with the I&CAD and Hyderabad Metro Water works departments, the FTL of Osmansagar is +1790' only.

The top level of the surplus weir on the right flank of the Osmansagar dam is carried up to the gauging point of the reservoir on the left flank and the level was matched with the vertical gauging scale. The level is matched with the +1790.000'. Hence, it is deemed that the Full Tank Level of the Osmansagar Reservoir is +1790.000'. The water spread area at this level is called FTL area of the Osmansagar Reservoir. Any land that comes within this level is deemed that within the reservoir.

Hence, now this level is to be carried upto the petitioner's land through the bed of the lake. The survey is started and done up to an elevated rock portion in the reservoir bed towards the petitioner's land and a temporary bench mark was marked there and survey was called off for the day.

Survey on 21-07-2015 (SECOND DAY)

The second leg of the survey was done on 21-07-2015. The survey started from the Temporary benchmark kept on the elevated rock portion of the lake bed and carried. It was carried towards the direction of petitioner's land and it is observed that an elevated cart track(look like bund portion) is existing between the outer end of upstream of reservoir bed and the adjacent fields. The petitioner's lands are after those fields.

It is observed that it is like a cross bund to prevent entry of flood waters in to the low lying areas on the other side of the reservoir. It is being told by the villagers that the bund is existing since generations and people are using it as a cart track and a connecting road. It is being told that the present BT road connecting Khanapur village was laid later. The top levels of this bund were also taken.

From this bund, the levels were taken upto the petitioner's property and the levels were touched inside the compound wall and also taken along the periphery of the compound wall. The levels on the plinth beam of the compound wall also touched.

The survey was called off for the day after that. However, it is decided to do survey once more for the stretch from gauging point to the temporary bench mark with two instruments to have a double check before finalising the exact elevation at which the petitioners lands are located with reference to the Full tank Level of the Osmansagar Reservoir.

Survey on 25-07-2015 (THIRD DAY): The final leg of survey to bring things to a logical conclusion beyond any doubt was done on this day. Two auto level instruments were used simultaneously by two teams in the presence of all the stake holders.

Information Issued
under RTI Act 2005

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The FTL of the Reservoir is once again carried from the gauging point of the reservoir to the temporary bench mark kept on the elevated rock portion in the reservoir bed. Two auto levels checked the each level with separate height of collimation and arriving reduced level there itself and checking to tally whether it got the same value with level taken by other instrument and the level is carried up to the temporary bench mark and finally closed on it.

Survey on 07-08-2015

The final survey of the FTL of Osmansagar started from the temporary bench mark kept on the parapet wall of the inflow channel of Osmansagar which crosses the Shankarpally to Khanapur road.

In this, it is to be noted that all the structures and properties which are accused of encroached in to the lake bed are came up along this road towards Khanapur side. That is the properties in dispute are sandwiched between the Osmansagr and the BT Road from Shankerpally to Khanapur.

The main purpose of last day's survey is to identify the FTL contour with reference to these properties. The survey was carried out simultaneously with two instruments from the Temporary bench mark kept on the parapet wall in the presence of all the stake holders. The level was carried out towards the reservoir to identify the FTL contour.

The FTL contour was run along the reservoir exactly behind the buildings and properties of different people which are sandwiched between the reservoir and the BT road. The contour was taken up to the last property which has a compound wall along it and closed there.

With this the Final survey part is over.

After reducing all the levels the following points are observed.

- (1) The FTL of the Osmansagar is +545.592 m (+1790.000').
- (2) The top of the surplus weir is clearly matching with the reservoir vertical gauge with level +545.592 m(+1790.000').
- (3) It is compared like this, when the weir top level is taken as 1790.000, the bottom level of the gauge +540.117m (+1772.037').
- (4) From this level of +540.117m (+1772.037') the level was carried up to the temporary bench mark in the elevated rock portion of the reservoir bed. This level is worked out to be +541.882 m(+1777.828').
- (5) This level of +541.882m (+1777.828') is carried up to the last point that is petitioner's land via the cross bund portion observed in the reservoir bed on its fore shore.
- (6) The top of the bund level is worked out to be +548.007m (+1797.923').
- (7) The Ground level at the backside of compound wall corner level is + 546.507m (+1793.002').
- (8) Top of the plinth beam level of the compound wall is +546.397m (+1792.641')
- (9) Road level in front of the gate of the disputed structure is +547.592m (+1796.562').
- (10) Sill level of the pipe of the drain that is going along the compound wall of the structure is + 546.492m (+1792.953').
- (11) Infact it is a pipe culvert across the storm water drain between the road and the structure.
- (12) Ground level taken inside the function hall is +1795.906'.
- (13) The temporary bench mark kept on the parapet wall of the inflow channel in to Osmansagar is +1798.399 feet.
- (14) The level carried from this bench mark to touch the FTL contour with reference to the properties and structures between the BT Road and the Osmansagar.
- (15) The elevated cart track like bund is continued up to the last but one property before joining a service road connecting the BT road.

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under RTI Act 2005

- (16) The FTL contour clearly ran behind this elevated cart track like portion, i.e. throughout its length this bund like portion stood like a barrier between the Osmansagar reservoir FTL and the properties of the people in survey numbers mentioned above. It is clearly depicted in the drawing enclosed to this report.
- (17) It gives an impression that the existing cart track like bund portion is like a protection work to keep water of the Osmansagar lake away from the field of the farmers when reservoir is full.

Hence, the conclusion is that the top of the surplus weir of the Osmansagar lake is +1790.000 feet and it is the FTL of this lake as per present day conditions. It is matching with the FTL level given in the old memoirs available in the IB Division, Hyderabad i.e. +1790.000 feet above the mean sea level.

As per the survey the properties in survey numbers 245/2, 246/2, 283, 234, 233/2, 214 and 216 are not coming within the FTL contour of the Osmansagar Reservoir.

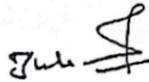
Only some portion of the compound wall in the survey number 214 and 216 is touching the FTL contour and coming under Buffer zone.

The existing buffer between the FTL contour and the properties in these survey numbers varies from 313 metres to 23 metres (Map enclosed).

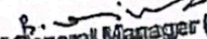


[S. Rheimprasad]

EXECUTIVE ENGINEER I & CAD
I.B. DIVISION, HYDERABAD



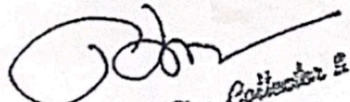
[T. VENKATESH]
Superintending Engineer, I.B. Div.,
Irrigation Circle, Ranga Reddy,
Radd Hills, Hyderabad.



Chief General Manager (Engg.)
Transmission Circle,
H.M.W.S. & S.B.
Khairatabad, Hyderabad-500 004



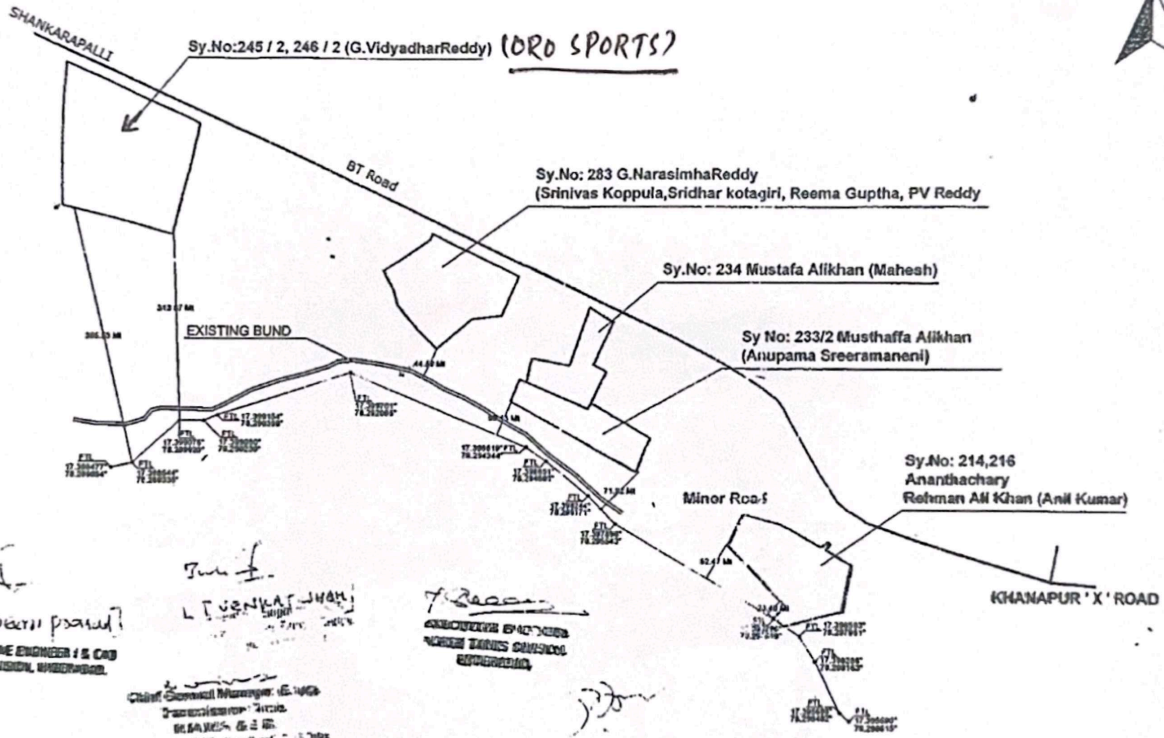
EXECUTIVE ENGINEER
NORTH TANKS DIVISION
HYDERABAD.



Special Grade Dy. Collector &
Joint Divisional Officer
Rajahmundry Division, R.R. Dist.

Information Issued
under RTI Act 2005

ELEVATION (FTL) DETAILS OF OSMAN SAGAR - KHANAPUR



NOTE : ALL DIMENSIONS ARE IN METERS



