

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A. No. 114 / 2024 (SZ)

IN THE MATTER OF:

V. Ravi ... **Applicant**

Versus

State of Karnataka and Ors. ... **Respondents**

INDEX

S. No.	Particulars	P. No.
1.	Reply on behalf of the Applicant, to the Report dated 28.01.2026 filed by R-4 (Deputy Commissioner, Bengaluru Urban District).	1-9
	Proof of Service	

Date: 08.06.2026

Place: Bengaluru/ New Delhi

Filed By:



Shreya Mathur

Advocate for the Applicant

Chamber No. D 418, Addtl. Building,
Supreme Court of India, New Delhi.

(M): 91-8527080105

(E): shreya.mathur.5@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A. No. 114 / 2024 (SZ)

[Earlier O.A. No. 779 of 2023(PB)LP]

IN THE MATTER OF:

V. Ravi

... **Applicant**

Versus

State of Karnataka and Ors.

... **Respondents**

**REPLY ON BEHALF OF THE APPLICANT TO THE REPORT DATED
28.01.2026 FILED BY R-4 (DEPUTY COMMISSIONER, BENGALURU
URBAN DISTRICT)**

PRELIMINARY SUBMISSIONS:

- I. The Applicant has perused the Report dated 28.01.2026 filed on behalf of Respondent No. 4. Save and except what is expressly admitted herein, all averments, submissions and contentions to the contrary are denied and disputed.
- II. At the outset, the Applicant submits that the Report, far from disproving the case set out in the Original Application, substantially corroborates the Applicant's core allegations. The Report expressly acknowledges the existence of a stream/rajakaluve traversing Survey Nos. 46/2 and 46/3, the existence of B-Kharab land pertaining thereto, and the presence of

encroachments upon such stream-related land. Significantly, Respondent No. 4 admits that compound walls, roads, drains and gates have been installed upon the stream-related B-Kharab land. The Report further records encroachments in Survey No. 46/2 comprising 2.15 guntas covered with soil and 0.01 guntas occupied by a compound wall, and in Survey No. 46/3 comprising 6.09 guntas covered with soil, together with gate structures(0.01 guntas), road/channel formations (0.04 guntas) and compound walls(0.02 guntas). These findings unequivocally establish physical occupation, alteration and interference with land forming part of the rajakaluve and its associated B-Kharab area.

- III. The Applicant submits that the aforesaid admissions constitute the factual foundation of the environmental grievance raised in the Original Application. However, despite recording the existence, nature and extent of the encroachments, the Report stops short of recommending or proposing any remedial, restorative or enforcement measures whatsoever. The Report therefore identifies the violation but fails to address its consequences or prescribe any mechanism for restoration of the stream ecosystem and protection of the affected environmental resource.

The Applicant further submits that the Report is materially incomplete. Although the findings recorded therein are stated to be based upon measurements, inspections, survey records and reports obtained from various authorities, Respondent No. 4 has failed to actually place on record the documents forming the very basis of its conclusions. In particular, Annexure R-1 to the Report states that *“accordingly, the map, report of the Deputy Tahsildar / Revenue Inspector, and the current year pahani are enclosed”*

however the same have not been attached with the Report filed. Neither the survey sketch, nor the map prepared by the survey authorities, nor the measurement records, DGPS survey data, inspection records, field measurement books, methodology adopted for identification of the stream and buffer zone are shown, nor the basis for determination of the alleged 5-metre buffer zone have been produced before this Hon'ble Tribunal. In the absence of the underlying records and annexures, the Applicant is effectively deprived of the opportunity to examine the source material relied upon by Respondent No. 4 and is consequently unable to furnish a complete and meaningful response to the factual assertions contained in the Report. The Applicant respectfully submits that adverse factual conclusions cannot be relied upon without disclosure of the documents and records from which such conclusions are purportedly derived. Principles of fairness and natural justice require that the complete survey records, sketches, maps, measurements and supporting material relied upon by Respondent No. 4 be brought on record and made available to all parties before the contents of the Report can be acted upon.

IV. The Applicant further submits that the Report proceeds on a fundamentally erroneous premise by focusing almost exclusively on whether any "building" has been constructed within the stream or buffer zone. The grievance in the present Original Application is not confined to the construction of buildings. The case of the Applicant concerns the obstruction, filling, narrowing, alteration and encroachment of the stream corridor and its buffer zone through activities such as dumping of soil, construction of compound walls, installation of gates, formation of roads and other interventions that impede, modify or degrade the natural drainage system and its environmental functions. All of which amounts to grave violation of the Environment Protection Act 1986 and rules there under. The absence of a building, even if it assumed to be correct, does not

answer the environmental violations complained of in the present proceedings.

PARA-WISE REPLY:

1. That the contents of para 1 of the Report are denied as incomplete. The Respondent has incorrectly and incompletely characterised the dispute as one concerning encroachment alone. The correct position is that the instant Complaint concerns illegal activities blocking the storm water drain (SWD), its buffer zone, and adjoining B-Kharab government land in Survey Nos. 46/2 and 46/3, Kothihosahally, Kodigehalli, Sahakar Nagar, Bengaluru. The issues raised in the instant complaint are infact two-fold:
 - a. **Qua B-Kharab Land** : There has been illegal felling of trees on this land reserved for public purpose, and consequential construction activities upon such land reserved for public purposes, which forms part of the subject matter of the present proceedings, against which instant complaint has been filed.
 - b. **Qua a Secondary Storm Water Drains and its buffer zones** : The land records demarcate the existence of certain of certain Storm Water Drains [*hereinafter*, 'SWD'] on the west, south, and east side of Survey 46, and the maintenance of buffer zones around them, as required per the BBMP Revised Master Plan 2015. However, it is noted by the residents that neither were the SWD constructed, nor was any buffer zone maintained around them. Instead, construction activities including basements, ramps, compound walls and other appurtenant structures have been carried out within the buffer zone area.

2. The contents of paragraph 2 require no reply insofar as it records directions issued in the Joint Committee Report. However, the Applicant submits that the present report itself demonstrates the existence of encroachments within the stream area.
 - 2a. That the contents of para 2a are denied to the extent they seek to suggest absence of violation. However, even on Respondent No. 4's own showing (in para 4 of the Report), encroachments exist. Further, the statement that 'no buildings have been constructed' within the buffer zone does not answer the grievance raised in the Original Application. The complaint was never confined to multistorey buildings. Filling of the stream area with soil, construction of compound walls, gates, roads and drains itself constitutes interference with the stream ecology, drainage pattern and buffer area. Even assuming that no building exists within the buffer zone, the admitted existence of filled areas, compound walls, gates, roads and drains constitutes interference with the stream corridor and environmental infrastructure. Moreover, the Report merely states that engineers present at the time of measurement informed that the buffer zone is 5 metres where the apartments constructed within buffer zone of Primary SWD in west side of the property. No statutory notification, rule, government order, technical report or survey record has been produced in support thereof, nor does it cite relevant coordinates, methodology adopted, date of inspection, names/designations of engineers. Respondent No. 4 repeatedly relies upon a survey sketch, map prepared by the survey authorities, report of the Deputy Tahsildar/Revenue Inspector, measurement exercise, and inputs

allegedly furnished by engineers present at the site. However, none of these documents have been annexed to the Report despite specific reliance thereon. The Applicant is therefore constrained to respond only on the basis of the limited extracts reproduced in the Report and reserves the right to file additional submissions upon production of the underlying records.

- b. That the contents of para 2b are noted and relied upon to the extent they record that Respondent No. 4 expressly admits that portions of Survey Nos. 46/2 and 46/3 constitute B-Kharab land relating to the stream and that such stream measurements are reflected in the revenue records. The said admission supports the Applicant's case.
- c. That the contents of para 2c are noted and relied upon to the extent they record that Respondent No. 4 admits that in Survey Nos. 46/2 and 46/3 there exists Kharab land relating to the stream and further admits that compound walls, roads, drains and gates have been installed therein. These findings establish encroachment and alteration of the stream area. The statement that portions are 'open' does not dilute the admitted encroachments.
- d. That the contents of para 2d relating to ownership and revenue entries are matters of record. However, the Applicant submits that title and revenue entries are not determinative of the environmental issues involved in the present proceedings. The central issue remains protection and restoration of the stream, its buffer zone and associated environmental functions.

- e. That the contents of para 2e are noted and relied upon to the extent they record that Respondent No. 4 makes further admission that portions of the Kharab land and buffer zone are covered and that compound walls, gates, roads and drains exist therein. The Applicant submits that such admitted encroachments warrant immediate remedial action rather than mere recording of facts.
 - f. That the contents of para 2f are admitted to the limited extent that in so far as it records certain findings, therein substantially corroborate the allegations made in the Original Application.
3. The contents of paragraph 3 require no reply insofar as it places a document on record.
 4. That the contents of para 4 are denied insofar as Respondent No. 4 seeks to distance itself from responsibility. Merely because the area falls within BBMP/GBA jurisdiction does not absolve the Revenue Department from its obligation to identify, protect and preserve stream land, B-Kharab land and public environmental resources. Respondent No. 4 remains obligated to cooperate in demarcation, restoration and removal of encroachments.
 5. That the contents of para 5 require no response.

PRAYER


In view of the foregoing, the Applicant respectfully prays that Respondent No. 4 be directed to place on record the complete survey sketch, survey map, DGPS records, measurement sheets, field measurement book, report of the Deputy Tahsildar/Revenue Inspector, and all other documents relied upon in the Report dated 28.01.2026, and, if so produced, the Applicant reserves its right to file an additional reply to the same.



APPLICANT

Date: 08.06.2026
Place: Bengaluru/ New Delhi

Filed By:



Shreya Mathur
Advocate for the Applicant
Chamber No. D 418, Addtl. Building,
Supreme Court of India, New Delhi.
(M): 91-8527080105
(E): shreya.mathur.5@gmail.com

Re: Service of Reply to Report filed in OA 114 of 2024 SZ in NGT (Southern Zone)

1 message

Shreya Mathur <shreya.mathur.5@gmail.com>

8 June 2026 at 22:34

To: darpan.advocate@gmail.com, Ashok.devraj@yahoo.com, amc@precinctlegal.com, "Sekar T.V" <sekarvallam@gmail.com>, emaildrashok@proton.me

Kind Attn:

1. Adv. Darpan KM, Adv. for Respondents No. 1 & 4,
2. Adv. Devraj Ashok, Advs., for Respondent No. 2,
3. Adv. T V Sekar Adv. for Respondent No. 3,

In the matter titled Ravi. V. Versus State of Karnataka & Ors before The National Green Tribunal, Southern Zone, Chennai (Original Application No. 114 of 2024 (SZ)).

Please find attached advance service of the Complainant's Response being filed to the Report filed by Respondent No. 4.

Regards,

Shreya Mathur, Advocate

9799553350

Counsel for the Complainant

 **Reply to Report by R4.pdf**
5521K