

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
Original Application No. 115 of 2016**

**IN THE MATTER OF:**

Human Rights & Consumer Protection  
Cell Trust and Ors.

...Applicant(s)

-Vs-

The State of Telangana,  
Rep. by its Chief Secretary,  
Telangana State and Ors.

...Respondent(s)

**COMPLIANCE REPORT FILED BY 5<sup>th</sup> RESPONDENT (IRRIGATION  
DEPARTMENT)**

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Place: Chennai

Date: 27.09.2024



Mrs. H. Yasmeen Ali,  
Counsel for the 5<sup>th</sup> Respondent.

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
SOUTHERN BENCH, CHENNAI**

**O.A.No.115/2016**

Human Rights & Consumer Protection  
Rep by its Chairman  
Sri.Takur Raj Kumar Singh, BHEL MIG-982  
Serilingampally

.....Applicant

Vs

1. State of Telengana,  
Rep. by its Chief Secretary,  
Hyderabad,  
Telegana State,  
And others

.....Respondents

**Report filed by the 5<sup>th</sup> Respondent**

I, A.Narayana, S/o Rajaiah, aged 58 yrs, presently working as Executive Engineer, North Tanks Division, HL & WBM Circle, GHMC, Hyderabad, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1. I am working as Executive Engineer in the North Tanks Division, GHMC, the 5<sup>th</sup> Respondent herein and I am authorized to fill this Report on behalf of the 5<sup>th</sup> Respondent.
2. I submit that before the Hon'ble Green Tribunal, South Zone, Sri Thakur Raj Kumar Singh has submitted that there are encroachments in Sakhi Cheruvu and to stop the illegal walking track / road and to remove encroachments in Full Tank Level, Buffer Zone & Nalas of Sakhi Cheruvu water body at Patancheruvu village (GHMC Circle 13), Medak District.
3. I submit that the 5<sup>th</sup> respondent had filed the counter affidavit dated 15.11.2016 before this Hon'ble NGT stating the factual position.

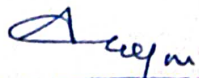
4. I humbly submit that the 5<sup>th</sup> respondent had also filed an affidavit in O.A.No.115 / 2016 before the Hon'ble Tribunal on 13.03.2022.
5. This Hon'ble Tribunal by order Dt:14.03.2022 had observed as follows:

***"In the above reports, it is not mentioned as to what is the present stage, after removal of encroachments. Further, it is also not clear from the report submitted as to whether there was any encroachment in SakhiCheruvu comprising in Sy. No.615 at Patancheruvu Village and Mandal, Medak District which was specifically mentioned in O.A. No.115/2016. As per the earlier order, we have directed the authorities to file a detailed report regarding this Cheruvu as well, but no such exercise has been done by the authorities and whatever reports filed, they are only relating to the water bodies mentioned in O.A. No.156/2016 alone.***

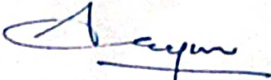
***When this was pointed out, the learned counsel appearing for the State of Telangana submitted that if some time is granted, they will come with a proper report in respect of the same as well.***

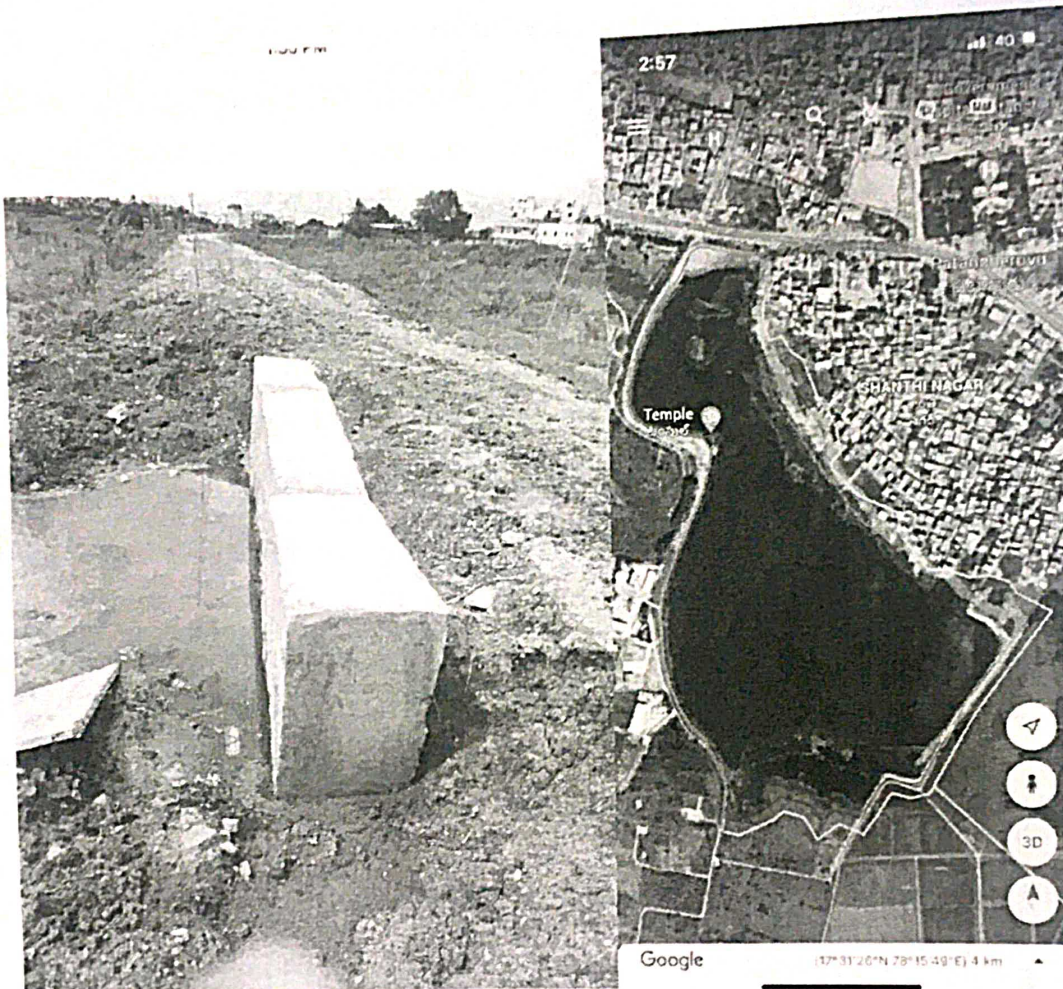
***Though there was an admission that certain walkway was constructed in that lake, it is not clear from the reports as to whether that walkway has been removed after fixing the buffer zone and FTL of the said water body namely, SakhiCheruvu which was seen from the photograph produced by the applicant in O.A. No.156/2016. So, the concerned authorities namely, the Lake Protection Committee and Public Works Department and Irrigation Department are directed to submit a detailed report regarding the same as well and also further progress in respect of the action taken as mentioned in the action taken reports regarding the removal of the encroachment etc."***

6. I submit that as regard to Para 6, of the above mentioned Hon'ble National Green Tribunal order dated 14.03.2022, it is respectively submitted that the counter affidavit was filed on 13.03.2022 stating a Joint Inspection was conducted on 22.10.2021 by officials of Revenue, Town planning and Irrigation Department. The structures falling in FTL/Buffer zone of sakhicheruvu have been identified and listed in **ANNEXURE -I**.


  
**EXECUTIVE ENGINEER**  
North Tanks Division,  
HYDERABAD.

7. I submit that the process of removal of structures/ encroachments and further actions will be taken up by Town planning section of the 5<sup>th</sup> Respondent. Accordingly Town Planning Department of GHMC has issued the notices to the 18 house holders identified during Joint Inspection. In response to the above notices, some of the encroachers submitted the permission copies obtained from Gram Panchayat / Municipality (**ANNEXURE -II**).
8. I further submitted that one of the encroacher by name Raju Nayak H.No.12-71/9/C has approached Hon'ble Court and filed Writ Petition No. 5794 of 2023. (**ANNEXURE -III**).
10. I submit that as regards Para 8, of the Hon'ble NGT order dated 14.03.2022, it is respectfully submitted that the work for development and beautification of Sakicheruvu in Patancheru of Medak district (now Sangareddy district) under GHMC limits was sanctioned and laying of walking track around the FTL boundary of lake was the part of above work. The walking track was formed by deepening of lake quantity of earth excavated from the tank bed area which increases the capacity of tank. I further submit that culverts are also constructed at lowest points across the walking track for inflow channels for entering of water from its catchment into the tank. Hence, there is no shrinkage of water body due to laying of walking track along the FTL boundary. Further the main objective of taking up the laying of walking track is to protect the tank area from the possible future encroachments. Therefore, there is no decrease of tank capacity and there is no obstruction to the free flow of catchment water entering into the tank. The Photo of Inlets, which has been constructed to facilitate the entry of the catchment water into the lake bed and a google map of the tank area is enclosed.

  
EXECUTIVE ENGINEER  
North Tanks Division,  
HYDERABAD.



11. As per the Hon'ble NGT orders in O.A. No.115 OF 2016, O.A No.156 OF 2016 Dt:18.01.2024 where in it was instructed to evict the Encroachments, in FTL / Buffer Zone of the Saki cheruvu, it is to humble submit that three letters were issued to the Revenue authorities Dt: 15.03.2024, 20.03.2024 and 10.04.2024 to serve the notices to the encroachments as per the Irrigation act, where in it was mentioned that the Revenue has the authority to issue notices to the encroachments.

  
EXECUTIVE ENGINEER  
North Tanks Division,  
HYDERABAD,

12. Further it is to submit that, as per the orders of NGT, notices were issued among the identified encroachers in Sy.no 601,602,603,605 & 607 situated in Patancheruvu by Revenue authorities.
13. It is to humbly submit that the Tahsildar, Patancheru Mandal vide his letter Dt:14.07.2024 informed that he was Assistant to Assistant Returning officer, 40-Patancheruvu Assembly Segment and was engaged in Election duties of General Elections to HOP Loksabha 2024 and all the staff were engaged in Election related work and no further action was taken up regarding the encroachments.
14. The Tahsildar, Patancheru Mandal further submitted that as already the notices were issued matter will be taken upon priority basis and compliance report will be reported at the earliest.
15. As per the Revenue authorities course of action, the Irrigation department and Town planning department eviction of encroachments in saki cheruvu will be taken following the due process of law.
16. I further submitted that this respondent will abide by the orders of this Hon'ble NGT and it is humbly prayed that this Hon'ble Tribunal pass appropriate orders to the facts and circumstances of the case and thus render Justice.

Dated at Chennai on the 15<sup>th</sup> day of July 2024

  
**EXECUTIVE ENGINEER**  
North Tanks Division,  
HYDERABAD.  
Signed his name in  
My presence

Before Me

Advocate: Chennai

**GOVERNMENT OF TELANGANA  
OFFICE OF THE TAHSILDAR, PATANCHERU MANDAL**

Lr.No.B/538/ 2024

Dated: 14/07/2024.

To  
The Executive Engineer  
North Tanks Division  
Budda Bhavan, 3<sup>rd</sup> floor  
Secunderabad-03.

Sir,

**Sub:-** O.A No. 115 of 2016, O.A No. 156 of 2016 – Certain information called for with regards to encroachments upon which notices given -Submission of Compliance- Regarding.

**Ref:-** 1) Hon'ble NGT orders in O.A No. 115 of 2016, O.A No. 156 of 2016, Dt:- 18.01.2024

2) Your Office Lr.No.EE/NTD/2024/547, Dt:15.03.2024.

\* \* \* \* \*


I invite attention to the subject and reference cited, wherein it was instructed to evict the encroachments in FTL/Buffer zone of Saki cheruvu vide reference 1<sup>st</sup> cited, stating that as per Irrigation Act revenue has the authority to serve notices to the encroachments. Hence, it is requested to issue notices to the encroachments in FTL/Buffer of Saki cheruvu and also to report the action taken , so as to submit the compliance report to the National Green Tribunal.

Keeping in view of the above request it is to informed that as per the orders of NGT, notices were issued among the identified encroachers in respect of Sy.No.601, 602, 603, 605& 607 situated at Patancheru against the illegal constructions over the lands notified under NGT.

Further it is also to inform , that undersigned was the Assitant to Assistant Returning Officer, 40 – Patancheru Assembly Segment within 06-Medak parliamentary Constituency and was engaged in the Election duties of General Elections to HoP Lok Sabha, 2024, as per the notification released by the Election Commission of India and it also further to submit that all the staff were engaged in Election related work, as such no further action was taken up. However , as already issued notices the matter will be taken up on priority basis and compliance report will be submitted at the earliest.

This is for favour of information.

Yours faithfully,

  
Tahsildar 14/7/2024  
Patancheru Mandal

STATEMENT SHOWING THE DETAIL OF THE PLUMBER ZONE I ENCROACHMENTS PASSED ON THE  
OF YEAR HERE AT LAGE AND MANDAL SURVEY CO. (INCORPORATED) LTD. (MADRAS)

Sl No	Sy No	House No	FTL / Shikam Area in Sq. Mtrs.	30 M Buffer Zone Area in Sq. Mtrs.	Name of the House Owner	Type of House	No of Floor	Remarks
1	607	12-71/A	-Nil-	125 Sq. Mtrs	Mohammed Shameen Khan	RCC	G+2	
2	607	Not Available	-Nil-	125 Sq. Mtrs	Taher	RCC	G+3	
3	607	12-71/A/2/A	-Nil-	125 Sq. Mtrs	Haji Manzil	RCC	G+3	
4	607	12-71/10	-Nil-	45 Sq. Mtrs	J. Sannaneshwar	RCC	G	
5	605	12-71/10/1	-Nil-	135 Sq. Mtrs	MD Jabbar	ACC	G	
6	605	Not Available	-Nil-	100 Sq. Mtrs	Raju Nayak	RCC	G+2	
7	605	Not Available	-Nil-	61 Sq. Mtrs	Mahaveer Lalaji Venkar	RCC	G+3	
8	605	Not Available	-Nil-	146 Sq. Mtrs	Jyothi W/o Prasad	RCC	G+2	
9	605	12-71/7/8	-Nil-	355 Sq. Mtrs	P Vinod Reddy	RCC	G+1	
10	601	11-97/2	-Nil-	32 Sq. Mtrs	K. Ranganna	RCC	G	
11	601	11-97/1	-Nil-	39 Sq. Mtrs	Mandunata Achok	RCC	G	
12	601	11-97	-Nil-	52 Sq. Mtrs	RK Singh & Maulhu	RCC	G+1	
13	601	11-95	-Nil-	97 Sq. Mtrs	Sulochana	RCC	G	
14	601	11-93	-Nil-	61 Sq. Mtrs	Ravi	RCC	G	
15	601	11-94	-Nil-	68 Sq. Mtrs	Ramarao	RCC	G	
16	601	11-92	-Nil-	75 Sq. Mtrs	B Dashureth	RCC	G	
17	615		533 Sq. Mtrs	-Nil-	Saty Sai Seva Samithi Temple	RCC	G	
18	615		172 Sq. Mtrs	-Nil-	Pocharamma Temple Complex	RCC	G	

19/02/2021

Asst. Surveyor  
Mandala Surveyor  
Patancheru Mandal

Dy. EE, Irrigation  
G.H.M.C

Asst. Surveyor  
Mandala Surveyor  
Patancheru Mandal

Mandala Surveyor  
Patancheru Mandal

Mandala Surveyor  
Patancheru Mandal

Talukdar,  
Patancheru Mandal

**ANNEXURE-2**

Sl.No	Name of house owner	House No	No of floors (RCC buildings)	Notice issued by GHMC Details	Remarks
1	B.Dasarath	11-92	G	GHMC Notice No:9537/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023	Taken permission from Municipality / Gram panchayat and have all required documents for reference
2	Ravi	11-93	G	GHMC Notice No:9538/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023	
3	Srinu S/o Rama rao	11-94	G	GHMC Notice No:9539/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023	
4	Sulochana	11-95	G	GHMC Notice No:9540/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023	
5	R.K.singh	11-97	G+1	GHMC Notice No:9541/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023 & 01.03.23	Reply not received
	Madhusudan reddy	11-97		GHMC Notice No:9542/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023	Taken permission from Municipality / Gram panchayath and have all required documents for reference
7	Ashok	11-97/1	G	GHMC Notice No:9543/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023	Taken permission from Municipality / Gram panchayat and have all required documents for reference
8	K.Ranganna	11-97/2	G+1	GHMC Notice No:9544/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023	Taken permission from Municipality / Gram panchayat and have all required documents for reference
9	P.Vinod Reddy	12-71/7/8	G+2	GHMC Notice No:9545/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023 & 01.03.23	Taken permission from Municipality / Gram panchayath and have all required documents for reference
10	Jyothi W/o Pramod	10	G+3	GHMC Notice No:9546/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023 & 01.03.23	Taken permission from Municipality / Gram panchayat and have all required documents for reference
11	Mahaveer lalan Kumar	Beside Plot No 10	G+3	GHMC Notice No:9547/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023 & 01.03.23	

12	Md.Jabbar	12-71/10/1	G	GHMC Notice No:9549/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023 & 01.03.23	
13	J.Sangameshwar	12-71/10	G	GHMC Notice No:9550/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023 & 01.03.23	
14	Raju Nayak	12-71/9/C	G	GHMC Notice No: 9548/TPS/Cir- 22/SLPZ/GHMC/2023	Court Case,WRIT PETITION No.5794 of 2023
15	Taher	beside H.No 12/71/A/3/1	G+3	GHMC Notice No:9552/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023 & 01.03.23	
16	Md.Shameen khan	12-71/A	G+2	GHMC Notice No:9553/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023	
17	Sathya seva samithi temple	Sy.615	G	GHMC Notice No:9554/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023 & 01.03.23	
18	Pochamma temple complex	Sy.615	G	GHMC Notice No:9555/TPS/Circle 22/SLPZ/GHMC/2023 Dt: 23.01.2023 & 01.03.23	

**HON'BLE SRI JUSTICE C.V.BHASKAR REDDY****WRIT PETITION No.5794 of 2023****ORDER:**

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

".....to issue a Writ or Order or Direction more particularly one in the nature of a Writ of MANDAMUS declaring the action of the 3rd Respondent herein in serving a copy of Show Cause Notice to the Petitioner herein vide Notice No 9548/TPS/Cir-22/SLPZ/GHMC/2023 dated 23/01/2023 addressed to Sri Raju Nayak H No 12-71/9/C Sy No 605 Patancheru alleging that the Petitioner has constructed G Plus 3 and Penthouse by encroaching into FTL Zone / Buffer Zone of Sakhi Cheruvu in the above mentioned premises whereas the Petitioners house number is H No 12-71/9/A Plot No 20 bearing Survey No 606 607/U and 608/U Patancheru Town and Mandal Sangareddy District and set aside the same as illegal arbitrary violation principles of natural justice and in violation of Article 14 and 19 of the Constitution of India and Consequently direct the Respondents 2 and 3 herein to consider and pass appropriate orders on the explanation dated 02/02/2023 Received on 03/02/2023 and the building permission application of the Petitioner received vide Receipt No GHMC/004243/16-17 dated 14/10/2016 forthwith till such time not to initiate any further coercive steps and to pass....."

2. Heard Mr. T. Basavaiah, learned Counsel appearing for the petitioner and Mr. M.A.K. Mukheed, learned Standing Counsel appearing for respondent-GHMC.

3. It is the case of the petitioner that he is the absolute owner of the house bearing H.No.12-71/9/A, Plot No.20 having purchased the same through registered sale deed bearing Document No.4208 of 2015, dated 11.03.2015 and he also made an application for regularization of un-approved layout

forming part of Sy.Nos.606, 607 and 608 of R C Puram, to the GHMC in terms of Go.M.S. No.151, MA, dated 02.11.2015 and he also paid the regularization fee of an amount of Rs.1,36,046/-. It is the further case of the petitioner that to construct a multistoried building, the petitioner has made an application to the GHMC vide receipt No.GHMC/004243/16-17, dated 14.10.2016 in file No.3/C13/03241/2016 but the same was not considered.

4. Mr. M.A.K. Mukheed, learned Counsel appearing for the respondent-Municipal Corporation submits that having noticed the shortfalls in the application submitted by the petitioner, they have issued a show cause notice directing the petitioner to submit an explanation and also not to proceed with the illegal Constructions over the subject plot but the petitioner instead of resubmitting the application, complying the shortfall conditions, in a hasty manner is proceeding with the illegal constructions over the subject plot, without there being any sanctioned plan. In these circumstances, they have issued a show cause notice under Section 452 (1) of the Greater Hyderabad Municipal Corporation Act, 1955 in proceedings No.9548/TPS/Cir-22/SLPZ/GHMC/2023 dated 23.01.2023 and according to the said show cause notice, a joint inspection was conducted by the revenue officials and irrigation department including GHMC officials and it was observed that the petitioner has constructed RCC building in FTL zone and the said construction is carried out in violation of the building rules framed in G.O.Ms. No.168, dated 07.04.2012.

5. Learned Counsel for the petitioner submits that the petitioner having received the said show cause notice has submitted a detailed explanation stating that joint inspection was conducted without issuing any notice and therefore the said inspection report is not binding on him. Further, he stated that the said land is not forming part of the FTL area and there are no appropriate measurements to come to such a conclusion that the construction carried out by the petitioner is forming part of the FTL area and the respondents without considering the explanation submitted by the petitioner dated 02.02.2023, are now interfering with the petitioner's possession and are threatening to demolish the building. He submits that the respondents have not initiated any action considering the representation and if appropriate action is initiated by the respondents in accordance with law, he will submit an explanation. He also submits that the petitioner will take recourse for regularization of his constructions in accordance with law.

6. Learned Standing Counsel appearing for the respondent-Municipal Corporation has submitted that they will follow due process of law before removing the unauthorized constructions for which the petitioner is not entitled for regularization, since the petitioner's constructions are forming part of the FTL area.

7. This court taking into consideration all the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of, directing the respondents-Municipal Corporation to follow the procedure

prescribed under the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, before initiating any action for removal of illegal constructions which have been carried out by the petitioner and if the same are not permissible to be regularized under the various Go's issued by the Government.

8. With the above direction, writ petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

**Date: 02-03-2023**  
**myk**

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**JUSTICE C.V.BHASKAR REDDY**