

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION NO. 56 OF 2023 (SZ) &
I.A. No.58 of 2023 (SZ)

WITH

MISCELLANEOUS APPLICATION NO. 04 OF 2023 (SZ)

IN
ORIGINAL APPLICATION NO. 180 OF 2021 (SZ)

IN THE MATTER OF:-
BADDAM YELLA REDDY & ORS

...Applicants

Versus

UNION OF INDIA & ORS

....Respondents

REJOINDER TO THE REPLY FILED BY RESPONDENT

INDEX

S.NO	PARTICULARS	DATE	P.No
1.	Rejoinder to the Reply Affidavit filed by R1	02.07.2024	1-5
2.	Copy of Letter to Revenue Department	02.05.2023	6-7
3.	Copy of letter to Police Department	09.05.2023	8
4.	Endorsement letter from Chief Secretary	01.07.2023	9-10
5.	Proof of Service		

THROUGH

COUNSEL FOR THE APPLICANT
Email: sirasanigo@yahoo.com

PLACE: HYDERABAD

DATE: 02.07.2024



**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

**ORIGINAL APPLICATION NO. 56 OF 2023 (SZ) &
I.A. No.58 of 2023 (SZ)**

WITH

MISCELLANEOUS APPLICATION NO. 04 OF 2023 (SZ)

IN

ORIGINAL APPLICATION NO. 180 OF 2021 (SZ)

IN THE MATTER OF:

BADDAM YELLA REDDY & ORS

...Applicants

Versus

UNION OF INDIA & ORS

....Respondents

REJOINDER TO THE REPLY FILED BY RESPONDENT No.01

MOST RESPECTFULLY SHOWETH:

1. The Applicants herein are the original applicants in the O. A. No. 180 of 2021 before this Hon'ble Tribunal. The Applicants challenged the illegal construction and expansion of Indiramma Flood Flow Canal Project by the project proponent therein without Environment Clearance in Siddipet District of Telangana.

2. The Hon'ble Tribunal after hearing the case has appointed a Joint Committee and considered their report. The Committee confirmed the

2

illegality and suggested various measures including imposing environment compensation.

3. In pursuance of the direction of Hon'ble Tribunal dt.16.12.2023 in M.A.04 of 2023, the respondent herein, i.e Ministry of Environment, Forest and Climate Change (hereafter referred as MoEF &CC Ministry) had filed compliance report in the form of a reply affidavit along with related material papers on 13.03.2024.

4. The applicants in the original application as well as M.A.No.04 of 2023, hereby submit before the Hon'ble Tribunal, certain facts and issues in the form of a rejoinder to the same,

a) It is evident and confirmed from the reply of the MOEF &CC, that the project proponent of the said Indiramma Flood Flow Canal Project has blatantly violated the orders of the Hon'ble Tribunal, with full knowledge of the consequences and even heavily damaged the environment by taking up works with full rigor, between 04.03.2023 and 08.06.2023, i.e even after filing of the M.A.04 of 2023 (para 1(g)(v) of reply).

b) That the project proponent pleaded guilty of the same before the First-Class Judicial Magistrate Court, in the case filed by the Telangana State Pollution Control Board on the directions of MoEF &CC, and merely paid Rs.50,000 as fine. It is not clear whether the concerned officials had undergone imprisonment of one week. It is unfortunate that the MoEF &CC has not taken any steps to identify all the officers and personnel including the Police, responsible for such blatant violation and to initiate appropriate action.

3

c) If such easy escape is provided for the project proponents by paying sundry amounts as fines for such blatant violation and damage to the environment at such a large scale, particularly in defiance of the orders of this Hon'ble Tribunal and against the provisions of law, there would be no sanctity for the Environment laws and rules. It is nothing but an open invitation to the project proponents to violate the law and the orders of Statutory institutions. It is a ready recipe for demolishing the very concept of rule of law.

d) The project proponent on the other hand with the help of police force had forcefully evacuated the affected persons, including the applicants herein, from their houses on the name of submergence, in complete violation of even Hon'ble High Court orders in W.P.No.26332 of 2022 and W.P.No.6879 of 2023, apart from violation of orders of this Hon'ble Tribunal. The letters written by local irrigation and revenue officers to the police along with copies of the said orders are herewith enclosed for kind reference of this Hon'ble Tribunal

e) That from the contents of the reply filed by MoEF &CC, it is evident that the project proponent had blatantly violated the provisions of EIA notification, 2006 as well as the orders of this Hon'ble Tribunal. The respondent herein remained mere spectator and had only made meek attempts only to appear as complying with the orders of this Hon'ble Tribunal, rather than acting timely and with required firmness in upholding the rule of law and its authority. Hence, the MoEF&CC has failed as a regulatory authority to take appropriate action as expected by this Hon'ble Tribunal in its order. Therefore, the said authority cannot evade its responsibility in the said violations,

5. It is not out of place to mention that none other than the Chief Secretary of the State of Telangana, had tried to mislead and coverup on the illegalities being committed, by way of a clever fully crafted disposal letter, wherein it was attempted to camouflage the truth by a heavy dose of legal jargon. All the contents in the said letter stand exposed by a single word of pleading guilty before the Magistrate and a single act of paying fine of Rs.50,000. The said averments does not stand any ground before the report of the expert committee and the findings placed in the reply by the MOEF &CC. This exposes the dubious nature of the Project Proponent and the executive of the State of Telangana. It is unbecoming on part of the person occupying the high office of Chief Secretary to a State. Relevant endorsement is herewith submitted as Annexure -2, for kind reference of this Hon'ble Tribunal.

The Applicants humbly submit that this Hon'ble Tribunal may take strict view of the above blatant violation by the project proponent and the lenient approach of the MoEF & CC and pass appropriate orders in the interest of justice, upholding rule of law and for protection of environment.

In the light of above stated facts of the case, this rejoinder may kindly be taken on record and may pass appropriate order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case

5

Annexure A1 – Letters from Irrigation Department to Revenue Department

Annexure A2- Letters from Tahasildar & Executive Magistrate to the Police Department

Annexure A3 - Endorsement letter from Chief Secretary

S. GOUTHAM TS/478/2016

CH. Ravi Kumar

COUNSEL FOR THE APPLICANT

#2-2-1109/BK/MIG-109, Nandanavanam
Colony, Bathukammakunta,
Baghamberpet, Hyderabad-13 Mob:
9985085850.

Email: sirasanigo@yahoo.com

PLACE: HYDERABAD

DATE: 02.07.2024

6

~~X~~

GOVERNMENT OF TELANGANA
REVENUE DEPARTMENT

From

Sri. A Ramulu, B.E.,
Executive Engineer,
Irrign. Divn. No:3, IC-1,
Husnabad, Siddipet Dist.

To,

The Revenue Division office,
Husnabad, Siddipet District.

Letter.No.EE/ Irrgn. Divn No: 3/Hsbd/ 87/M

DT

02-05.2023

Sir,

Sub:- Land Acquisition - Formation of Gouravelly Reservoir with increased gross capacity of 8.23 TMC from 1.410 TMC Water, near Gouravelly (V), Akkannapet (M), and Siddipet Dist. LA&RR - Given the possession of lands acquired - Request for vacating the houses of the oustees -Reg.

Ref:- 1. S.E's agreement No: 02/SE/IFFCC-II/2008-09 Dt.30.05.2008
2. Supplementary Agreement No: 17/IFFCC/2017-18 Dt.29.12.2017.

I invite kind attention to the subject and the references 1st and 2nd cited above, It is to submit that the work of [Formation of Gouravelly Reservoir with an enhanced capacity of 8.23 TMC near Gouravelly (V), [Akkannapet (erstwhile Husnabad) Mandal, Siddipet (erstwhile Karimnagar) District was entrusted to M/s BVSr Constructions pvt Ltd, Hyderabad. Till date 85% of the work was completed and only 15% of work is pending

In this context it is to submit that the total land required i.e. 3870 acres for the formation of Gouravelly reservoir is acquired and the compensations like the Land , R&R benefits, structure payments etc were paid completely. It is also to submit that out of total number of houses coming under submergence (811 Houses) a total of 687 houses were falling in the old submergence of reservoir capacity of 1.41 TMC. Out of which major number of houses were vacated except for 36 houses which are coming under old submergence, who are not vacating even after receiving all kinds of compensations and repeated requests.

Moreover the houses are locked and were in dilapidated conditions as they are not inhabited since long time. It is also a point of concern, as this year the rains have already began and the prediction of rainfall this monsoon is also high and as a result there may be a chance of water inundation leading to the collapse of houses, if not vacated.

P.T.O

(7)

Therefore it is requested to take necessary action to get the remaining hours vacated as early as possible.

Yours faithfully

[Signature]
Executive Engineer (I&CAD)
Irrgn. Division No:3, IC-1,
Husnabad, Siddipet.

1. Copy submitted to the Asst. Police Commissioner, Husnabad for information.
2. Copy to the Mandal Revenue Office, Akkannapet mandal, Akkannapet for information
3. ✓ Copy to the Station House officer, Akkannapet police station, Akkannapet for necessary action.

S/O
received on 09/08/2023
at 1030 hrs.

Made in G.D. entry,
by *[Signature]* 09/08/23
P.S. Akkannapet

[Signature]
Executive Engineer (I&CAD)
Irrgn. Division No:3, IC-1,
Husnabad, Siddipet.

(8) (A)

GOVERNMENT OF TELANGANA
OFFICE OF THE TAHSILDAR :: AKKANNAPET MANDAL

From :
E. Sanjeev Kumar,
Tahsildar & Executive Magistrate,
Akkannapet.

To :
The Sub-Inspector of Police,
Akkannapet.

Lr. No. B/ 1708 /2023, Dt. 09-05-2023

Sub : Land Acquisition – Formation of Gouravelli Reservoir with increased gross capacity of 8.23 TMC – Handedover the possession of lands acquired – Request for vacating the houses of oustees – Necessary action – Reg.

Ref : 1. Executive Engineer, Irrigation, Division No. 3, IC-1, Husnabad
Lr.No. EE/Irrg. Div. No.3/Hsbd/87/2023, Dt. 02-05-2023.
2. Instructions of the Revenue Divisional Officer, Husnabad
Dt. 09-05-2023

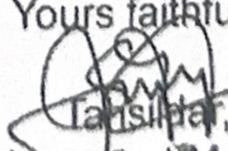
==00==

With reference to the subject cited above, it is to inform you that the Executive Engineer, Irrigation, Division No. 3, Husnabad submitted that the lands, structures acquired for formation of Gouravelli Reservoir has already been paid land compensation, R&R package, structure payments etc., and total number of houses (811) coming under acquisition. Out of which (687) houses coming under old submergence, in which major number of houses vacated except (36) houses, even after receiving all kind of compensations and repeated requests. Further, the Executive Engineer, Husnabad informed that the houses were locked and in dilapidated condition as they are not inhabited since long time and the prediction of rainfall is high in this monsoon and there is chance of water inundation leading to the collapses of houses, if not vacated.

Further, through the reference 2nd cited, the Revenue Divisional Officer, Husnabad instructed to give necessary orders to the Sub-Inspector of Police, Akkannapet Mandal.

In view of the above, the Sub-Inspector of Police, Akkannapet is requested to take necessary action to vacate the remaining houses and to see that not to give any scope for untoward incidents.

Yours faithfully,


Tahsildar, 9/5/23
Akkannapet Mandal
Akkannapet Mandal
Siddipet Dist

9

GOVERNMENT OF TELANGANA
IRRIGATION & CAD (PC) DEPARTMENT

Letter No.1857/PC/2023

Dated:01.07.2023

From
The Chief Secretary to Government,
Government of Telangana,
Dr.B.R.Ambedkar Telangana Secretariat,
Hyderabad.

To

- 1.Sri. Boini Bhaskar, S/o. Bhoomalah.
- 2.Usike Singireddy Srinivas Reddy, S/o. Raji Reddy.
- 3.Yalla Kanaka Reddy, S/o. Linga Reddy.
- 4.Baddam Swapna, W/o Yella Reddy of Gudatipally Village,
Akkannapet Mandal, Siddipet District, Telangana.

Sir/Madam,

Sub: Irrigation &CAD Department- Construction activity relating to the Gouravelly reservoir -CC No.1207 of 2023, in W.P.NO.9276 of 2023 -Filed by Boini Bhasker, S/o.Bhoomalah and 3 others- Replies to the petitioners-Regarding.

Ref: 1) Representation dated 08.03.2023.
2) Representation dated 17.03.2023.
3) Orders in W.P 9276/2023 of the Hon'ble High Court of Telangana.
4) From Addl.Advocate General, Telangana, letter No.433/2023 addressed to the Chief Secretary to Government,
Dated:23-06-2023.

In pursuance of the representations received vide ref 1st and 2nd cited i.e. dated:08.03.2023 and 17.03.2023 respectively, this office has sought reliable reports from the concerned authorities regarding the nature of these complaints as purported by the referred applicants in their respective submissions and representations on both the aforesaid dates respectively.

2. Moreover, the nature of these complaints are decidedly aimed against the District Administration, Siddipet for having allegedly violated the sacrosanct orders of the State Level Environment Impact Assessment Authority (SEIAA), that of the orders of the National Green Tribunal (NGT) in OA 180 of 2021 (SZ) and that of the Interim orders issued by the Hon'ble High Court of Telangana in WP No.26332/2022 respectively. The express discourse of the said complaints raised in these respective representations, pertains to alleged police coercion affected by the District Authorities, has having been precipitated on 04.03.2023 respectively.

3. Moreover, the alleged police action is purported by the said applicants, to have been orchestrated with the aim of proceeding ahead with the works committed towards the construction activity relating to the Gouravelly reservoir, by superseding the restraint orders expressly directed by the orders of the National Green Tribunal (hereafter, referred as the NGT), in OA 180 of 2021 (SZ) NGT dt:10.02.2022.

4. This office, after having perused through the volume of these grievances and complaints, has noted the following.

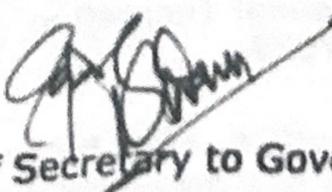
- i. The applicants have alleged their grievances without any objective recourse to facts, but rather they have crafted the grievance owing to a subjective perception of threat from the authorities.

P.T.O

- ii. The District Administration, Siddipet not defaulted on any of the aforementioned orders, either that of the NGT in OA 180 of 2021 or that of the Hon'ble Court of Telangana in WP No.26332/2022. It is succinctly given, that the NGT in OA 180 of 2021 has categorically provided that no further proceedings in the direction of grounding the project should be taken, till there is a substantial environmental clearance facilitated by the Ministry of Environment, Forests and Climate Change (MoEF & CC).
- iii. Further, the complaints thrown by the aggrieved applicants, against the District Administration such that the latter, had undermined the orders of the Hon'ble NGT, by undertaking for a project grounding is a fictitious element of supposition. The District Administration, Siddipet has merely undertaken its usual modality of securing the project site by checking against any scope of unlawful damage precipitated against the components of the project that have already been constructed through the medium of this project since long back.
- iv. It is pertinent to inform that, nearly 85% of the said project has been grounded, even prior to the said orders of the Hon'ble NGT being received against any further project construction. It is only a duty minded administration that seeks to protect the already constructed components of the project, from any perceived threat of damage or harm by the land losers. The efforts of the District Administration have only nurtured a protective force to secure the said project site at Gaudatipally (V), from any perceived threat of damage to the construction already grounded, and this by any means, cannot be construed as a violation of the sacrosanct orders of the Courts.
- v. The aggrieved applicants have also raised the objection that the District Administration has coerced the land losers into surrendering their land without offering them, a legitimate recourse to the tenets and principles that are enshrined in the Land Acquisition Acts, and that there has been a default of the District Administration in violating the orders of the Hon'ble High Court in WP No. 26332/2022. However, it is clearly given on the strength of record reference, that the land losers were facilitated with due compensation awards and R&R package in accordance with the procedure authoritatively provided under the respective Land Acquisition Acts, and the remainder balance of land to be acquired, has been referred to the LA Authority, with due cognizance and application of law.
- vi. Having taken note of the complaints raised by the aggrieved applicants, and in due consideration and compliance of the orders of the Hon'ble High Court in WP No. 9276 of 2023, where in the first respondent i.e., this office, is directed to consider the petitioner's representations dated 08.03.2023 and 17.03.2023; this office (first respondent) does not find any merit in the scope of these complaints.

5. In view of the above circumstantial facts, the representations dated: 08.03.2023 and 17.03.2023 are disposed accordingly.

Yours faithfully,


for Chief Secretary to Government

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI**

**ORIGINAL APPLICATION NO. 56 OF 2023 (SZ) &
I.A. No.58 of 2023 (SZ)**

WITH

MISCELLANEOUS APPLICATION NO. 04 OF 2023 (SZ)

IN

ORIGINAL APPLICATION NO. 180 OF 2021 (SZ)

IN THE MATTER OF:-

BADDAM YELLA REDDY & ORS

...Applicants

Versus

UNION OF INDIA & ORS

....Respondents

MEMO

It is respectfully submitted that personal notice of rejoinder to reply filed by Respondent No.1 was served on Respondent Nos. 1 to 8 through E-mail on 03.07.2024. That the notice sent to the said respondents have been delivered on the same day. The copies of the Emails sent are attached herewith for the reference of this Hon'ble Court.

Hence this Memo.

Place: Hyderabad.
Date: 03.07.2024.

S. Goutham
Counsel for the Applicant.

FILED BY:

**S. GOUTHAM TS/478/2016
CH RAVI KUMAR**

Advocates

COUNSEL FOR APPLICANT

#2-2-1109/BK/MIG-109, Nandanavanam
Colony, Bathukammakunta, Baghamberpet,
Hyderabad-13
Mob: 9985085850

ma 1109

Copy of Rejoinder to reply filed by Respondent No.1

From: Goutham S (sirasanigo@yahoo.com)

To: secy-moef@nic.in

Date: Wednesday 3 July, 2024 at 10:40 am IST

To,
Union of India
Rep. by its Secretary
Union Ministry of Environment, Forest & CC

Please find the attached copy of the rejoinder below for your perusal.

Thankyou Regards,
Counsel for the Applicant,
S Goutham
CH Ravi Kumar.
Mob- 9985085850.



scanned Rejoinder_in_MA_4 of 23[1].pdf
12.2MB

Copy of Rejoinder to reply filed by Respondent No.1

From: Goutham S (sirasanigo@yahoo.com)

To: secy-mowr@nic.in

Date: Wednesday 3 July, 2024 at 10:40 am IST

To,
Union of India
Rep. by its Secretary
Union Ministry of Jal Sakti
Sramasakti Bhavan

Please find the attached copy of the rejoinder below for your perusal.

Thankyou Regards,
Counsel for the Applicant,
S Goutham
CH Ravi Kumar.
Mob- 9985085850.



scanned Rejoinder_in_MA_4 of 23[1].pdf
12.2MB

Copy of Rejoinder to reply filed by Respondent No.1

From: Goutham S (sirasanigo@yahoo.com)

To: enc_major@yahoo.co.in

Date: Wednesday 3 July, 2024 at 10:40 am IST

To,
Irrigation & CAD Department, Telangana
Rep. by its Principle Secretary.

Please find the attached copy of the rejoinder below for your perusal.

Thankyou Regards,
Counsel for the Applicant,
S Goutham
CH Ravi Kumar.
Mob- 9985085850.



scanned Rejoinder_in_MA_4 of 23[1].pdf
12.2MB

Copy of Rejoinder to reply filed by Respondent No.1

From: Goutham S (sirasanigo@yahoo.com)

To: chairman-cwc@nic.in

Date: Wednesday 3 July, 2024 at 10:41 am IST

To,
Central Water Commission (CWC)

Please find the attached copy of the rejoinder below for your perusal.

Thankyou Regards,
Counsel for the Applicant,
S Goutham
CH Ravi Kumar.
Mob- 9985085850.



scanned Rejoinder_in_MA_4 of 23[1].pdf
12.2MB

Copy of Rejoinder to reply filed by Respondent No.1

From: Goutham S (sirasanigo@yahoo.com)

To: membersecretary-grmb@gov.in

Date: Wednesday 3 July, 2024 at 10:42 am IST

To,
Godavari River Management Board

Please find the attached copy of the rejoinder below for your perusal.

Thankyou Regards,
Counsel for the Applicant,
S Goutham
CH Ravi Kumar.
Mob- 9985085850.



scanned Rejoinder_in_MA_4 of 23[1].pdf
12.2MB

Copy of Rejoinder to reply filed by Respondent No.1

From: Goutham S (sirasanigo@yahoo.com)

To: collector-sdpt@telangana.gov.in

Date: Wednesday 3 July, 2024 at 10:42 am IST

To,
District Collector of Siddipet

Please find the attached copy of the rejoinder below for your perusal.

Thankyou Regards,
Counsel for the Applicant,
S Goutham
CH Ravi Kumar.
Mob- 9985085850.



scanned Rejoinder_in_MA_4 of 23[1].pdf
12.2MB

Copy of Rejoinder to reply filed by Respondent No.1

From: Goutham S (sirasanigo@yahoo.com)

To: enc_major@yahoo.co.in

Date: Wednesday 3 July, 2024 at 10:42 am IST

Engineer-in-Chief
O/o Engineer-in-Chief(A.W),I&CAD Department,
(R7)

Please find the attached copy of the rejoinder below for your perusal.

Thankyou Regards,
Counsel for the Applicant,
S Goutham
CH Ravi Kumar.
Mob- 9985085850.



scanned Rejoinder_in_MA_4 of 23[1].pdf
12.2MB

Copy of Rejoinder to reply filed by Respondent No.1

From: Goutham S (sirasanigo@yahoo.com)

To: enciwtg@gmail.com

Date: Wednesday 3 July, 2024 at 10:42 am IST

To,
Engineer-in-Chief (Projects), Irrigation.

Please find the attached copy of the rejoinder below for your perusal.

Thankyou Regards,
Counsel for the Applicant,
S Goutham
CH Ravi Kumar.
Mob- 9985085850.



scanned Rejoinder_in_MA_4 of 23[1].pdf
12.2MB