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

**O.A. No. 66 OF 2022**

**BETWEEN :-**

N. Rajagopala Reddy

.... Applicant

**AND**

Deputy Commissioner, Chikkaballapur Dist  
& 7 ors

.... Respondents

**REJOINDER TO THE REPLY FILED BY RESPONDENTS 2 & 5**

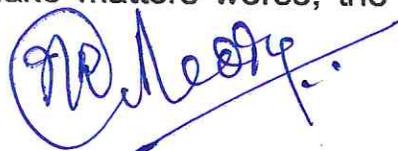
1. At the outset, the Applicant denies all the allegations and averments contained in the reply, except those that are specifically admitted herein and puts these Respondents to strict proof of the allegations not admitted herein.
  
2. The Applicant submits that the grounds of defense taken by the Respondents in opposing the said Application are that the 2 bridges within a distance less than 15 meters away are for development work, that permissions are granted as per the Rules/Regulations, that Tahsildar of Gowribidanur Taluk has permitted to construct the bridge and hence approved, that a road existed in land bearing Sy.No.8/2, and when a survey was conducted, it was found that no such road existed, that a similar matter is pending before this Hon'ble Court, thus barred to reargue the same issue and hence barred by res-judicata, that the bridge is constructed as per specifications stipulated by the approval authority, that water logging is due to small water outlet holes in the bridge and not due to the 50 ft bridge, that it is for the benefit of the residents residing in the surrounding area, though there is a road leading to the main road from both Puttapurhalahalli and Gotakanapura, the same is blocked by the Applicant and hence the Govt. Authorities have granted permission to build an alternate bridge for the public, that the Planning Authority or City Municipal Council



did not exist when the bridge was constructed to seek permission, that subsequently approval was given by various Govt. Departments, that the bridge is constructed by private parties namely 7<sup>th</sup> & 8<sup>th</sup> Respondents out of their funds, that the already existing bridge is in dilapidated condition which is not fit to be used and hence construction of the new bridge was necessitated, that the bridge is not constructed on the buffer zone, that the Applicant having personal political rivalry has filed the present Application.

3. In replying to the various allegations, the Applicant states that adjoining the Applicant's land bearing Survey No. 8/2 of Puttapurlahalli village, there is an approx. 70 feet wide water channel ("Moogana Halla") that flows along the Northern boundary of Applicant's land, connecting Gangasandra Hosakere lake to Kalludi Doddakere lake. It is further submitted that there is another approx. 45 feet wide water channel ("Inter-connecting Nala") that flows along the Eastern boundary of the Applicant's land and connects the Moogana Halla to the Uttara Pinakini river. This Inter-connecting Nala runs more or less perpendicular to the Moogana Halla. A copy of the Village Map of Puttapurlahalli is produced herewith as ANNEXURE - A22. Also, a copy of the screenshot from "Dishaank" application of Survey Settlement and Land Records Department is produced herewith as ANNEXURE - A23. The aforementioned 2 (Two) water channels meet at the North-East corner of the Applicant's land bearing Sy. No. 8/2 as shown in ANNEXURE - A23.

4. The Applicant submits that the Respondent No. 8 has constructed an unauthorized 50 feet wide Bridge across the Moogana Halla adjoining Sy. No. 7/5, just West of the location where the 45 feet wide Inter-connecting Nala meets the Moogana Halla, as shown in the ANNEXURE - A24 (Old Bridge). Similarly, the Respondent No. 7 has constructed a 23 feet wide Bridge across the Moogana Halla adjoining Sy. No. 33/2A, just East of the location where the 45 feet wide Inter-connecting Nala meets the Moogana Halla, ANNEXURE - A24 (New Bridge). To make matters worse, the Respondent No. 7

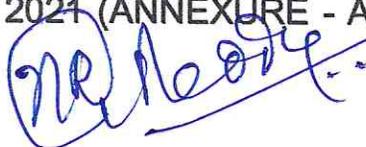


has constructed a Road to connect this Bridge to the Bypass Road, by completely filling up and closing the Inter-connecting Nala. After closing this Nala, he has built the road on top of it, as shown in ANNEXURE - A24 and ANNEXURE - A27. ✓

5. It is further submitted that the Chairman of Gowribidanur Planning Authority, the 2<sup>nd</sup> Respondent in his letter dated 18-05-2022, has acknowledged the fact that there is encroachment of the Inter-connecting Nala to the North of Sy. No's. 245, 243 and 242 of Gotakanapura village (i.e. South-East of Sy. No. 8 of Puttapurhalhalli village), and has asked the Commissioner of Gowribidanur City Municipal Council, the 5<sup>th</sup> Respondent herein, to take appropriate action in this regard and to clear the encroachments. A copy of this letter dated 18-05-2022 is produced herewith as ANNEXURE - A26.

6. It is submitted that the 45 feet wide Inter-connecting Nala is sandwiched between these 2 Bridges constructed across the Moogana Halla, and the existence of the 2 Bridges in such close proximity to each other coupled with the fact that Respondent No. 7 has filled-up and closed the Inter-connecting Nala and constructed a road exactly on top of it is causing hindrance to the free flow of water through the Moogana Halla and is blocking the flow of excess water into the Uttara Pinakini river thereby resulting in flooding of the area (ANNEXURE - A24 & ANNEXURE - A27). A photograph showing excess water from the Moogana Halla trying to flow its natural course in the direction of the blocked Inter-connecting Nala is as shown in ANNEXURE - A19, A28. A photograph showing the road constructed upon the closed Nala is produced herewith as ANNEXURE - A27.

7. The Applicant submits that the aforementioned situation caused by the Respondent No's. 7 and 8 in collusion with the Respondent authorities has resulted in flooding of the area several times, especially during monsoon season. The Applicant's land, along with the lands of Respondent No's. 7 and 8, and surrounding areas were first flooded in November 2021 (ANNEXURE - A11). Subsequently in



the year 2022, these lands got flooded 3 (Three) more times, specifically on 03-08-2022 30-08-2022 & 14-10-2022. Photographs showing the flooding on these 3 days along with Newspapers for date stamp are produced herewith as ANNEXURE - A19, ANNEXURE - A20, A28 and ANNEXURE - A29 respectively.

8. The Applicant further submits that nearby, there is a Causeway across the Moogana Halla that is being used by the public and also vehicles to cross the Moogana Halla for more than a decade. Further, the Gowribidanur Planning Authority has published a Comprehensive Development Plan (Master Plan) according to which there will be a 80 feet wide Bridge across the Moogana Halla in the same area. In view of the above, the 2 private Bridges constructed by Respondent No's. 7 and 8 are unauthorized, unnecessary and have not been built scientifically as per specifications.

9. The Applicant further submits that the new bridge is also not built as per the indicated specifications. The Assistant Executive Engineer (AEE) of Minor Irrigation Department, Respondent No. 4 herein, has issued an approval letter dated 17-03-2021 (ANNEXURE - A14) for this new Bridge in collusion with Respondent No. 7, by falsely stating in the last paragraph of the letter that the construction of this Bridge is being permitted because the land bearing Sy. No. 33/2A does not have any kind of access. However in fact, this land has access from three directions namely a road from the North to Survey. No. 33/2A, a road of 9.0 mtrs wide from the West to Survey No. 33/2A through the adjoining layout in Survey No's. 7/1, 7/2, 7/3, 7/4, 7/5 and additionally Sy. No. 33/2A can also be accessed from the East by using the existing causeway nearby to cross the water channel. Despite having these 3 ways to access Sy. No. 33/2A, the Respondents have permitted the 7<sup>th</sup> Respondent to construct this bridge to provide direct bypass road access to this land alone, with an eye to increase the market value of the land to be sold as plots in the future. The Applicant has elaborately explained the same in his Original Application at Para No. 26.



10. It is further submitted that the Respondent No. 4 has approved the design specification for this Bridge and has provided the drawing along with dimensions and has also outlined the salient features of this Bridge. A copy of the drawing for this Bridge and the Salient features of this Bridge is produced herewith as ANNEXURE - A30.

11. The Applicant submits that the Respondent No. 4 has given approval for this Bridge by blatantly ignoring the fact that there is a junction of 2 (Two) water channels at this location, namely the Moogana Halla and Inter-connecting Nala (ANNEXURE - A23). Further, there are no villages that are benefitted by the construction of this private Bridge as per Item No. 3 in the Salient features outlined by Respondent No. 4 (ANNEXURE - A30).

12. It is submitted that according to design specification, the Bridge should have 3 vents and the dimensions of each vent must be 6.00 metres (width) by 2.00 metres (height), thereby having an area of around 12.00 Sq. metres per vent resulting in overall 36 Sq. metres for all the 3 vents. However, the Bridge has not been constructed as per specification and the vent size has been significantly reduced. In fact, the actual dimension of each vent is 4.50 metres by 2.00 metres, thereby having a size of 9.00 Sq. metres per vent resulting in overall 27.00 Sq. metres for all 3 vents. This is equivalent to a significant reduction of 25% in the capacity of the vents.

13. It is submitted that according to design specification, the width of the Piers of the Bridge should be gradually tapered from 3.00 metres at the bottom of the foundation to 2.00 metres at the floor of the water channel and further tapering to 0.80 metres at the top of the Pier, just below the Pier Cap as shown in ANNEXURE - A30. However in fact, the Piers have actually been constructed such that they have a uniform width of only 0.91 metres from top to bottom, which is a reduction of around 54% at the floor of the channel, thereby compromising the structural integrity of the Bridge. Even the

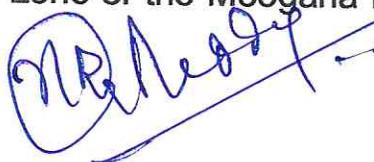


foundation of the Bridge is inadequate and has not been laid to the proper depth of 1.8 metres below the channel floor, as per the design specification. Photographs showing the Bridge are produced herewith as ANNEXURE - A21.

14. It is further submitted that as per design specification, the width of the Bridge and the carriage way on top should be 10.00 meters. However in fact, the actual width of the Bridge and the carriage way is only 7.00 meters, a significant reduction of 30% from the specification. On the whole, the quality of construction of the Bridge is very poor and it is beginning to fall apart in some places. For instance, at one end of the Bridge, there is a gaping hole in the embankment just below the road surface at the point where the road meets the Bridge, thereby posing a risk to the users of the Bridge. Photographs of the same are produced herewith as ANNEXURE - A27.

15. The Applicant further submits that in spite of the aforementioned glaringly obvious differences between the approved design and the actual construction of the Bridge, the Respondent No. 4 has carelessly issued a completion letter dated 05-01-2022 to Respondent No. 7, in which it is stated that a site inspection was carried out on 29-12-2021 and that the construction work of the Bridge has been completed. Such is the level of corruption among the Respondent authorities. A copy of the completion letter dated 05-01-2022 issued by the Respondent No. 4 is produced herewith as ANNEXURE - A25.

16. The Applicant submits that the sewage drains are directly let into the channel. The 7<sup>th</sup> Respondent, who has developed a Layout in his land bearing Sy. No. 33/2A of Gotakanapura village, has constructed open sewers and has directed 3 (Three) of these domestic sewage drains directly into the water channel (Moogana Halla), as shown in ANNEXURE - A15. These sewage drains have been constructed in the buffer zone of the Moogana Halla. However,



the Respondent No's. 4 and 5 have not provided any clear directions as to where these sewage drains are to be connected which has benefitted the 7<sup>th</sup> Respondent.

17. It is submitted that the Respondents have made several untenable allegations only to cover up their collusion with the 7<sup>th</sup> and 8<sup>th</sup> Respondents. There has been a blatant violation of all rules and regulations in granting permission for the construction of the new bridge. In fact, subsequent to filing of the present Application, the 7<sup>th</sup> Respondent has hurriedly completed the construction of the bridge and the 4<sup>th</sup> Respondent has equally granted a completion letter on 05-01-2022. However, merely because a completion letter has been issued cannot justify the damage caused to the environment and the future damage that is awaiting to cause havoc to the entire area. Though development work has to be given importance, it cannot alter the very ecology. The pros and cons need to be weighed and greed of one person cannot be put against the entire population residing in the area and allowed to cause damage to people and property due to flooding. This area is known to have frequent rains and hence it becomes important that the water is properly drained into the natural drainages. Tampering with the same is already causing heavy flooding in the area. In fact, the said bridge has also flooded the lands of Respondent No's. 7 & 8. The said bridge is not for the general public but is exclusively for the Respondent 7. Further, the allegation as if the other bridge constructed by 8<sup>th</sup> Respondent having become dilapidated is not correct since the same was constructed only in 2014, which itself was leading to water logging since the same was also not constructed as per specifications.

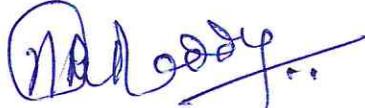
18. Hence, merely because the new bridge is approved by the concerned authorities cannot be a ground to not interfere into the same. This Tribunal has the right to direct the demolition of the bridge if it comes to the conclusion that the damages outweigh the benefits.



It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the Application of the Applicant in the interest of Justice and Equity.

Dated at Chennai on this the 3<sup>rd</sup> day of May 2023.

S. L. de Silva  
COUNSEL FOR APPLICANT

  
APPLICANT