

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ)
CHENNAI**

Application No. 37/2023

BETWEEN :

SRI. PARAMESH. V.

... APPLICANT

AND

THE DEPUTY COMMISSIONER AND OTHERS

... RESPONDENTS

MEMO

The undersigned counsel for the Applicant most humbly submits that,

The Applicant respectfully submits this Memo for placing on record the Objections to the Report dated 23.06.2025 submitted by the Respondent No.2, The Deputy Commissioner, Bengaluru Urban District, in the above Application.

Date: 10:12:2025

Place: Bengaluru



Counsel for Applicant

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

O.A NO. 37/2023.

IN THE MATTER OF:

V. PARAMESH

... APPLICANT

Vs

**ADDITIONAL CHIEF SECRETARY FOREST,
ENVIRONMENT & ECOLOGY DEPARTMENT
AND ORS.**

... RESPONDENTS

**OBJECTIONS TO THE RESPONDENT No. 2, THE DEPUTY
COMMISSIONER'S REPORT DATED 23.06.2025**

MOST RESPECTFULLY SHOWETH:

1. That the instant Original Application has been filed alleging construction over the Nala and in its buffer zone by M/s Sai Sravanthi Infra projects, In Sy No. 21/1, 21/2, 21/3, 22, 23, 124 and 125 of Seegehalli Village, Bengaluru East Taluk for the project "Pavani Mirabilla" ('the said project').

GROUND'S OF OBJECTION:

**GROUND - I: SELF-CONTRADICTION AND FAILURE TO
ANSWER TRIBUNAL'S DIRECTIONS.**

2. It is respectfully submitted that, the report submitted by the Deputy Commissioner is self-contradictory, ambiguous and fails to answer the specific questions posed by this Hon'ble Tribunal. Where The Deputy Commissioner in his report categorically states that as per the original and Hissa survey records, the Saravu is classified as Kharab with an original natural width of only 1.20 metres. However, in Point No. 2, the same officer describes long stretches of 100 metres and 70 metres as the "area left empty for the Saravu and buffer

zone”, which is not based on any government survey record but merely reflects the “current land status” as shaped by the developer. In Point No. 3, he further claims that the orange-marked strip has a width of 30 metres, yet simultaneously admits that “the Saravu is not passing through the place as per the current land status”.

3. It is submitted that, the above three statements cannot coexist and expose a fundamental inconsistency in the report. The natural Saravu shown in official records is 1.20 meters wide and has a defined historical alignment. The so-called 30-metre strip is merely an artificial vacant area left by the developer, which has no correlation with the natural flow. The officer’s own admission that the Saravu “is not passing through” the present location clearly indicates diversion, alteration or obstruction of the natural watercourse. Despite this, the report nowhere specifies whether.

- A.** The Natural Saravu has been Encroached.
- B.** The Buffer Zone has been Violated.
- C.** The Water Course has been illegally diverted.
- D.** Government Kharab land has been reduced, modified or displaced.

4. It is submitted that, Thus, instead of furnishing a scientifically accurate, survey-based account of the actual watercourse—as mandated by the order of this Hon'ble Tribunal dated 02.04.2025 the report merely reproduces a sketch based on “current land status”, which appears to mirror the developer’s layout rather than the true geographical and hydrological reality. Such a vague and evasive report undermines the very purpose of NGT’s direction and fails to assist the Tribunal in determining the question of encroachment.

GROUND - III: ULTRA VIRES ACTION / ABSENCE OF ENVIRONMENTAL CLEARANCE FOR DIVERSION ORDER.

5. It is submitted that Rule 28-A (4) of the Karnataka Land Grant Rules, 1969 imposes a strict and non-negotiable valuation threshold on the powers of the Deputy Commissioner. **Under this Rule, the Deputy Commissioner may pass an order**

only where the market value of the land proposed to be granted does not exceed ₹1,000/- In all cases where the value exceeds this limit, the Deputy Commissioner is legally bound to stop and forward the application, along with his report, to the Regional Commissioner for further decision. This statutory framework clearly restricts the Deputy Commissioner's authority and prevents him from unilaterally approving any diversion involving land of substantial value.

6. It is submitted that, In the present case, the land affected by the diversion with an approximate current market value of around ₹1,50,00,000/-, which is thousands of times higher than the statutory ceiling of ₹1,000/-. By approving the diversion despite this enormous valuation, the Deputy Commissioner has acted wholly without jurisdiction, in flagrant disregard of Rule 28-A(4). The order is therefore ultra vires, having been issued by an authority who lacked the legal competence to approve such a high-value diversion. Consequently, the purported approval cannot be considered valid in the eyes of law and warrants strict scrutiny by this Hon'ble Tribunal.

7. It is respectfully submitted that, even more seriously, the Deputy Commissioner has granted permission for diversion of a natural watercourse without a single environmental, hydrological, stormwater or ecological study, and without consulting any statutory environmental authority (State Environment Department, SEIAA, KSPCB, BBMP Stormwater Department or BDA). **The diversion he permitted is a rectangular, geometric realignment—a pattern scientifically incapable of sustaining natural flow. Such an unscientific diversion will inevitably reduce flow velocity, promote sedimentation, and ultimately choke the watercourse. The most shocking aspect is that the diverted nala has been directed towards the Hosakote–Whitefield National Highway, a 24-hour traffic corridor. This exposes the public to serious flood hazards and demonstrates that the Deputy Commissioner issued the order mechanically, without inspection, without**

scientific application of mind, and in complete disregard of environmental safety.

8. It is humbly submitted that, Therefore, even if the Deputy Commissioner takes the untenable position that the NGT has "no jurisdiction" to examine his land-grant powers, the environmental consequences of his arbitrary and ultra vires action fall squarely within the core mandate of this Tribunal. An administrative order that alters natural drainage without scientific assessment, and that poses imminent environmental and public-safety risks, directly attracts various Sections of the NGT Act. The order itself clearly demonstrates that it has been passed in complete connivance with the Developer, as no reasonable authority acting independently and responsibly could have issued such an environmentally dangerous permission without any supporting scientific basis. More disturbingly, even during the subsequent inspection, this blatant error was not identified or rectified, which further exposes the compromised nature of the entire process and the deliberate avoidance of statutory duties. The Deputy Commissioner is thus duty-bound to explain what scientific study, technical data, hydrological modelling, or expert opinion formed the basis of his decision. In the absence of such justification, the order must be treated as a reckless, irrational and environmentally hazardous intervention issued in excess of jurisdiction, warranting strict scrutiny and corrective directions by this Hon'ble Tribunal.

9. In light of the above, the impugned report deserves to be rejected in its entirety. The diversion order requires to be declared illegal and void, and this Hon'ble Tribunal may be pleased to issue appropriate remedial, corrective and preventive directions to restore the natural Saravu, protect the buffer zone, and prevent further environmental damage in the interest of ecological balance, public safety and adherence to statutory mandates. It is further most humbly prayed that this Hon'ble Tribunal may direct the Deputy Commissioner to specifically disclose the material, reasoning, scientific justification and administrative basis—if any—that substantiated his decision to issue an ultra vires diversion order which effectively operates to the benefit of the

Developer, while simultaneously imposing grave environmental consequences and potential hardship upon the innocent public.



Date: 10:12:2025

Place: Bengaluru

ADVOCATE FOR APPLICANT

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