

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

O.A. NO. 17 of 2022 (SZ)

Between:
Permandlla Kiran Kumar
Medchal Malkajgiri District

..Applicant

Versus

The State of Telangana and Ors

...Respondents

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Place: Chennai
Date: 20.07.2024



**Report filed by the 10th
Respondent**

BEFORE THE NATIONAL BREEN TRIBUNAL,
SOUTH ZONE BENCH AT CHENNAI
OA No. 17 of 2022/EZ

In the matter of:

Permandlla Kiran Kumar,
H No. 2-28, Gajularamaram Village, Shapur Nagar, Jeedimetla,
Quthbullapur Mandal, Now at Medchal-Malikajiri District
. . . Applicant

AND

The State of Telangana,
Rep by its Secretary Public, 5th Floor, BRKRBhavan, NH-44, Hill Fort,
Adarshnagar Hyderabad
& Others

REPORT FILED BY THE DEPUTY COMMISSIONER, CIRCLE-26, GHMC.

1. It is submitted that this office received a letter No.NGT-OA.No.17/2022/EZ/CA Unit/Plg/HMDA/22 dt: 03.2022 from the Director Planning -I, HMDA, wherein it is informed that an original Application vide OA No. 17 of 2022 filed before Hon'ble NGT, Chennai by Permandlla Kiran Kumar, Gajularamaram Village, Shapur Nagar, Jeedimetla, Quthbullapur Mandal, Medchal-Malikajiri District regarding encroachment into the water and the Forest land by Real Estate Developers. Further, informed to attend the Joint Inspection of the above area and to submit report before the Hon'ble NGT, Chennai. The members of the Joint Committee is shown as under:-

1) Sri E.Mallaiah, RDO, was nominated as a representative of Addl.Collector, Medcal-Malkajiri District.

(2) Sri.A Venkatesh, DFO represented by District Forest Division.

(3) Nodal Agency (HMDA) has nominated Sri A.Ravinder Reddy, Chief Planning Officer, as representative of Hyderabad Metropolitan Development Authority.

(4) Sri A.Narayana, E.E/NTD, Irrigation and CAD Department was nominated representative of Hyderabad Lakes & Water Bodies, Medchal Circle. AS


Deputy Commissioner,
Gajularamaram, Circle No.26,
GHMC, Hyderabad

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(5) Smt.D.Prashanthi, Dy.Commissioner, Cir-26, GHMV, Gajularamaram Circle was nominated as a representative of GHMC

(6) Sri D.Krupanand, Joint Chief Environmental Engineer, Zonal Office, Hyderabad was nominated as a representative of TSPCB.

Accordingly, the Joint inspection has been conducted at the land in Sy No.19 of Gajularamaram Village, Quthbullapur Mandal, Medchal-Malkajgiri District.

2. It is submitted that after conducting Joint inspection, the AE, Irrigation & CAD Department has furnished details of buildings encroached into Irrigation Channel of Pedda Cheruvu. Further, the FRO, Forest department & Irrigation Department has shown the properties which are coming inside the Reserve Forest Block. As such, the Circle-26, GHMC has issued notices to the individual property owners which were identified by the Irrigation & Forest Departments, to submit their respective explanations (Notices are enclosed herewith).

3. It is submitted that the above said Joint Committee has submitted a report (copy enclosed) in OA No. 17 of 2022 before the Hon'ble National Green Tribunal by giving the following conclusion in the report:-

(1) It is to submit that, there is no clarity in survey number boundaries between Revenue & Forest Departments. For the Total Survey Number is a Government Land handed over to Forest Department declaring as Reserve Forest. There is no tippons and Sethwar for Sy No.19 as it is a Govt. Land. Hence there was a problem in fixing the boundary of the Sy No.19 and encroachments identification by the AD,S&LR & Forest Department based on the available tippons of the adjacent Survey numbers. As the boundary of Sy No.19 will be finalised after the Survey of Regional Deputy Director of Survey and Land Records.

(2) There is a discrepancy in the Forest area as per the reports of ADSLR and Forest Department, the encroachment took place in forest land East side Ac.6-21 Gts approx. surrounded by adjacent Sy Nos. 70, 89, 92, 93, 98. South Side Ac.1-17 Gts approx surrounded by adjacent Sy No. 15, West Side Ac.3-28 Gts approx surrounded by adjacent Sy Nos.396, 397, 398 thus total adm. Ac.11-26 Gts approx. Further the Channels is diverted as per the plotting which is contrary to natural flow and another Nala was not encroached in some places. Where the developments not taken and developed areas totally encroached by the Houses.


Deputy Commissioner,
Gajularamaram, Circle No.26,
GHMC, Hyderabad

(3) The GHMC has issued Notices to the encroachers/ Individual Property owners to submit their respective explanations along with the documentary evidences, after receiving the same GHMC will take necessary action in the matter.

(4) The Width of the outlet and Nala/canal of the sluice gate to be protected for maximum flow and the Sewarage entering into the Pedda Cheruvu should be restricted/diverted treated to protect the quality of the lake water.

4. It is submitted that thereafter the Hon'ble Tribunal has passed an interim order dt. 13-05-2024 wherein it has been directed the GHMC to file a report on the status of the eviction notices issued and whether the eviction has already been carried out and posted the matter to 22-07-2024 for filing of compliance report. The detailed order dt. 13-05-2024 passed by the Hon'ble National Green Tribunal is mentioned below:-
"ORDER"

1. The Original Application relates to Survey No.19 of Gajularamaram Village, Quthbullapur Mandal, Medchal, Malkajgiri District, State of Telangana which belongs to the Forest Department.

2. The learned counsel appearing for Respondents No.13 to 15 states that their construction is only on Sy. Nos.98 A and 98 AA and they have nothing to do with the Sy. No.19.

3. The Forest Department so far has not taken any action to remove the encroachments, whereas the Greater Hyderabad Municipal Corporation (GHMC) issued eviction notices even in the month of June 2022, the results of which are not furnished yet, despite granting them opportunities.

4. Let the GHMC file a report on the status of the eviction notices issued and whether the eviction has already been carried out.

5. The learned counsel appearing for the Forest Department would state that since Sy. No.19 falls within the municipal limits, though lands belong to the Forest Department, it is only the GHMC that has to take action to evict encroachments.

6. If that is so, let the Forest Department file an affidavit to that effect.

7. Post the matter on 22.07.2024"

5. It is submitted that this office has received a letter RC No. 32/2022/D, dt. 19-06-2024 from District Forest Officer, Medchal-Malkajgiri District intimating about the above said order and requested to speed up the suitable action in furtherance of the notices issued to the (21) illegal occupants of the forest area in Gajularamaram Forest Block situated in Sy.


Deputy Commissioner,
Gajularamaram, Circle No.26,
GHMC, Hyderabad

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No. 19 of Gajularamarama Village and compliance report to be reported to the Hon'ble National Green Tribunal, Chinnai in OA No. 17 of 2022.

6. It is submitted that on perusal of the conclusion of the report submitted by the Joint Committee appointed as per the order in OA No. 17 of 2022, it has been stated that there is no clarity in survey number boundaries between revenue & forest departments. For the Total Survey Number is a Government Land handed over to Forest Department declaring as Reserve Forest. There is no tippons and Sethwar for Sy No.19 as it is a Govt. Land. Hence there was a problem in fixing the boundary of the Sy No.19 and encroachments identification by the AD,S&LR & Forest Department based on the available tippons of the adjacent Survey numbers.

7. It is submitted that, As the boundary of Sy No.19 will be finalized after the Survey of Regional Deputy Director of Survey & Land Records and there is a discrepancy in the Forest area as per the reports of ADSLR and Forest Department etc., Prior to the submission of joint committee report, this office has issued show-cause notices to the individual property owners (which were identified by the Irrigation & Forest Departments as encroachers) to submit their respective explanations (Notices are enclosed herewith). In reply to this office notices, the building owners have submitted their respective explanations along with copies of LRS, building permissions and registered documents etc.,

8. It is submitted that, this office has verified the constructions made by the individual owners in Irrigation of Channel of Pedda Cheruvu & Reserve Forest Block which were identified by the Irrigation & Forest Departments in which most of them had obtained LRS & building permissions and made the constructions over their respective properties in which LRS/building permissions were issued. Further, as there is no clarity in the identification/boundaries of the lands of Irrigation & forest departments, it is just and necessary to address letters to the both Irrigation and Forest


Deputy Commissioner,
Gajularamaram, Circle No.26,
GHMC, Hyderabad

departments to demarcate their respective lands with exact boundaries so that this office can proceed with further necessary action in this regard.

9. It is submitted that, as such this office has addressed a letter dt. 10.07.2024 to the Regional Deputy Director of Survey and Land Records Department, duly requested to conduct the Joint survey along with Irrigation and Forest Department and demarcate the boundaries of Sy No.19 of Gajularamaram Village, including the respective lands of Forest & Irrigation departments wherein the encroachments taken place in their subject land as alleged by the petitioner in OA No. 17 of 2022 and furnish the detailed report along with the location sketches, so that this office can proceed with further necessary action in this regard. The said letter is enclosed for the kind persusal of this Hon'ble Tribunal.

10. It is submitted that, after the demarcate of the subject lands with exact boundaries along with the location sketches, this office can proceed with further necessary action. This office will take further necessary action on receipt of the report of the Regional Deputy Director of Survey and Land Records Department.

As the reasons stated above, it is requesting this Hon'ble Tribunal to pass appropriate orders in the interest of justice.


DEPUTY COMMISSIONER,
Gajularamaram, Circle No. 26,
GHMC, Hyderabad

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GREATER HYDERABAD MUNICIPAL CORPORATION
GAJULARAMARAM CIRCLE-26

From
The Deputy Commissioner,
Gajularamaram Circle-26,
GHMC.

To
The Regional Deputy Director
of Survey and Land Records
Department, Survey Bhavan,
3-4-706/1, Narayanguda Rd,
Hari Vihar Colony, Bhawani
Nagar, Narayanguda,
Hyderabad, Telangana 500029

Lr No.17/TPS/C26/KPZ/GHMC/2024 Date: 10.07.2024

Sir,

Sub:- Request for demarcation of the land/boundaries of Forest & Irrigation departments for taking action on the encroachments into the water bodies and the Forest land situated in Sy. No. 19 of Gajularamaram Village, Quthbullapur Mandal, Medchal-Malkajiri District as per the order passed in OA No. 17 of 2022 by the Hon'ble NGT-Reg.

- Ref:-** 1. Letter No. NGT-OA No.17/2022/EZ/CAUnit/Plg/HMDA/2022
Dt. -03-2022 sent by the Director Planning-I, HMDA.
2. letter No. 11/DP/Survey/2022 dt:28.06.2022 of Forest
Department.
3. Joint committee report submitted in Hon'ble NGT.
4. Order dt. 13-05-2024 passed in OA No. 17 of 2022 by the Hon'ble
National Green Tribunal.
5. letter RC No. 32/2022/D, dt. 19-06-2024 received from District Forest
Officer, Medchal-Malkajiri District

With references to the above subject and references cited, It is to submit that this office received a letter No. NGT-OA.No.17/2022/EZ/CA Unit/Plg/HMDA/22 dt: 03.2022 from the Director Planning -I, HMDA, wherein it is informed that an original Application vide OA No. 17 of 2022 filed before Hon'ble NGT, Chennai by Permandlla Kiran Kumar, Gajularamaram Village, Shapur Nagar, Jeedimetla, Quthbullapur Mandal, Medchal-Malikajiri District regarding encroachment into the water and the Forest land by Real Estate Developers in Sy. No. 19 of Gajularamaram Village, Quthbullapur Mandal, Medchal-Malkajiri District. Further, informed to attend the Joint Inspection of the above area and to submit report before the Hon'ble NGT, Chennai. Accordingly, the Joint inspection has been attended along with the officials of Revenue Department, Irrigation & CAD department, Forest Department & HMDA and inspected the land in Sy No.19 of Gajularamaram Village, Quthbullapur Mandal, Medchal-Malkajiri District.

It is to submit that after conducting Joint inspection, the AE, Irrigation & CAD Department has furnished details of buildings encroached into Irrigation Channel of Pedda Cheruvu. Further, the FRO, Forest department has shown the properties which are coming inside the Reserve Forest Block, the same was informed to this office their letter No. 11/DP/Survey/2022 dt:28.06.2022. This office has issued notices to the individual property owners which were identified

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by the Irrigation & Forest Departments, to submit their respective explanations (Notices are enclosed herewith). In reply to this office notices, the building owners have submitted their respective explanations along with building permission copy and registered documents for verification. The details of individual property details (Irrigation Channel of Pedda Cheruvu (21 Nos.) & Reserve Forest Block (22 Nos.)) identified by Irrigation & CAD, Forest Departments are shown in the statement which is enclosed herewith.

It is to submit that Joint committee constituted in OA No. 17 of 2022 for identification of encroachments in the Water bodies and the Forest land by Real Estate Developers (R13 to R15 in OA No. 17 of 2022) situated at Sy. No.19 of Gajularamaram village, Quthbullapur Mandal, Medchal-Malkajgiri District. The members of the Joint Committee is shown as under:-

- 1) Sri E.Mallaiiah, RDO, was nominated as a representative of Addl. Collector, Medchal-Malkajgiri District.
- (2) Sri.A Venkatesh, DFO represented by District Forest Division.
- (3) Nodal Agency (HMDA) has nominated Sri A.Ravinder Reddy, Chief Planning Officer, as representative of Hyderabad Metropolitan Development Authority.
- (4) Sri A.Narayana, E.E/NTD, Irrigation and CAD Department was nominated representative of Hyderabad Lakes & Water Bodies, Medchal Circle. AS
- (5) Smt.D.Prashanthi, Dy.Commissioner, Gajularamaram was nominated as a representative of GHMC
- (6) Sri D.Krupanand, Joint Chief Environmental Engineer, Zonal Office, Hyderabad was nominated as a representative of TSPCB.

It is to submit that the above said Joint Committee has submitted a report (copy enclosed) in OA No. 17 of 2022 before the Hon'ble National Green Tribunal by giving the following conclusion in the report:-

(1) It is to submit that, there is no clarity in survey number boundaries between Revenue & Forest Departments. For the Total Survey Number is a Government Land handed over to Forest Department declaring as Reserve Forest. There is no tippons and Sethwar for Sy No.19 as it is a Govt. Land. Hence there was a problem in fixing the boundary of the Sy No.19 and encroachments identification by the AD,S&LR & Forest Department based on the available tippons of the adjacent Survey numbers. As the boundary of Sy No.19 will be finalised after the Survey of Regional Deputy Director of Survey and Land Records.

(2) There is a discrepancy in the Forest area as per the reports of ADSLR and Forest Department, the encroachment took place in forest land East side Ac.6-21 Gts approx. surrounded by adjacent Sy Nos. 70, 89, 92, 93, 98. South Side Ac.1-17 Gts approx surrounded by adjacent Sy No. 15, West Side Ac.3-28 Gts approx surrounded by adjacent Sy Nos.396, 397, 398 thus total adm. Ac.11-26 Gts approx. Further the Channels is diverted as per the plotting which is contrary to natural flow and another Nala was not encroached in some places. Where the developments not taken and developed areas totally encroached by the Houses.

(3) The GHMC has issued Notices to the encroachers/ Individual Property owners to submit their respective explanations along with the documentary evidences, after receiving the same GHMC will take necessary action in the matter.

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(4) The Width of the outlet and Nala/canal of the sluice gate to be protected for maximum flow and the Sewerage entering into the Pedda Cheruvu should be restricted/diverted treated to protect the quality of the lake water.

It is submitted that thereafter the Hon'ble Tribunal has passed an interim order dt. 13-05-2024 wherein it has been directed the GHMC to file a report on the status of the eviction notices issued and whether the eviction has already been carried out and posted the matter to 22-07-2024 for filing of compliance report. The detailed order dt. 13-05-2024 passed by the Hon'ble National Green Tribunal is mentioned below:-

"ORDER

1. The Original Application relates to Survey No.19 of Gajularamaram Village, Quthbullapur Mandal, Medchal, Malkajgiri District, State of Telangana which belongs to the Forest Department.

2. The learned counsel appearing for Respondents No.13 to 15 states that their construction is only on Sy. Nos.98 A and 98 AA and they have nothing to do with the Sy. No.19.

3. The Forest Department so far has not taken any action to remove the encroachments, whereas the Greater Hyderabad Municipal Corporation (GHMC) issued eviction notices even in the month of June 2022, the results of which are not furnished yet, despite granting them opportunities.

4. Let the GHMC file a report on the status of the eviction notices issued and whether the eviction has already been carried out.

5. The learned counsel appearing for the Forest Department would state that since Sy. No.19 falls within the municipal limits, though lands belong to the Forest Department, it is only the GHMC that has to take action to evict encroachments.

6. If that is so, let the Forest Department file an affidavit to that effect.

7. Post the matter on 22.07.2024"

It is to submit that this office has received a letter RC No. 32/2022/D, dt.19-06-2024 from District Forest Officer, Medchal-Malkajgiri District intimating regarding the above said order and requested to speed up the suitable action in furtherance of the notices issued to the (21) illegal occupants of the forest area in Gajularamaram Forest Block situated in Sy. No.19 of Gajularamarama Village and compliance report to be reported to the Hon'ble National Green Tribunal, Chennai in OA No.17 of 2022.

In this regard, it is to inform that on perusal of the conclusion of the report submitted by the Joint Committee appointed as per the order in OA No.17 of 2022, wherein stated that there is no clarity in survey number boundaries between revenue & forest departments. For the Total Survey Number is a Government Land handed over to Forest Department declaring as Reserve Forest. There is no tippons and Sethwar for Sy No.19 as it is a Govt. Land.

Hence there was a problem in fixing the boundary of the Sy No.19 and encroachments identification by the AD,S&LR & Forest Department based on the available tippons of the adjacent Survey numbers. Therefore, the boundary of Sy No.19 shall be finalized by the Survey of Regional Deputy Director of Survey &

Land Records. As there is a discrepancy in the Forest area as per the reports of ADSLR and Forest Department etc.,

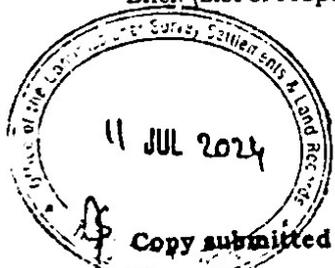
Prior to the submission of joint committee report, this office has issued show-cause notices to the individual property owners (which were identified by the Irrigation & Forest Departments as encroachers) to submit their respective explanations (Notices are enclosed herewith). In reply to this office notices, the building owners have submitted their respective explanations along with copies of LRS, building permissions and registered documents etc., This office has verified the constructions made by the individual owners in Irrigation of Channel of Pedda Cheruvu & Reserve Forest Block which were identified by the Irrigation & Forest Departments in which most of them had obtained LRS & building permissions and made the constructions over their respective properties in which LRS/building permissions were issued. As there is no clarity in the identification/boundaries of the lands of Irrigation & forest departments, hence GHMC cannot take any action based on the conflict report submitted by the Irrigation & Forest Departments.

In view of the above circumstances, the Regional Deputy Director of Survey and Land Records Department is hereby requested to conduct the Joint survey along with Irrigation and Forest Department and demarcate the boundaries of Sy No.19 of Gajularamaram Village, including the respective lands of Forest & Irrigation departments wherein the encroachments taken place in their subject land as alleged by the petitioner in OA No. 17 of 2022 and furnish the detailed report along with the location sketches, so that this office can proceed with further necessary action in this regard.

Encl: (List of Properties encroached).

Yours faithfully

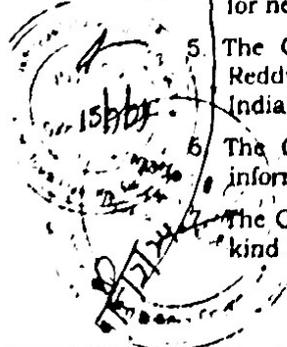
[Signature]
Deputy Commissioner
Gajularamaram Circle-26, GHMC
[Date]



Copy submitted to:



- 1. The Telangana Forest Department, Rep by its IFS PCCF (SF), Aranya Bhavan, Saifabad, Hyd-500004 for necessary action in the above matter.
- 2. Sri. M.Janakiram, The Deputy Forest Officer, Medchal- Malkajgiri District for necessary action in the above matter.
- 3. The Irrigation & CAD Department of Telangana, Rep by Engineer-in-Chief(Irrigation) &CAD, 2nd floor, Jalasouda, Errum Manzil, Hyd-500082 for necessary action in the above matter.
- 4. The Executive Engineer, North Tank Division, Budha Bhavan Secunderabad for necessary action in the above matter.
- 5. The Chief Planning Officer, HMDA, Swarna Jayanti Complex, Sanjeeva Reddy Nagar, Srinivasa Nagar, Amecrpet, Hyderabad - 500038, Telangana, India for favour of kind information.
- 6. The Commissioner, GHMC, CC Complex, Hyderabad for favour of kind information.
- 7. The Chief City Planner, Head Officer, CC Complex, Hyderabad for favour of kind information.



**BEFORE THE HON'BLE NATIONAL
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ZONE, CHENNAI**

O.A. NO. 17 of 2022 (SZ)

Between:

Permandlla Kiran Kumar
Medchal Malkajgiri District

..Applicant

Versus

The State of Telangana and Ors

...Respondents

**Report filed by the 10th
Respondent**

M/s. D.Sreenivasan E.No. 158/1994
V.Jaiharisudhan, E. No. 3245/2016

Counsel for 10th Respondent

Ph - 9841099880