

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
O.A. NO. 03 of 2021 (SZ)**

IN THE MATTER OF:

Tribunal on its own motion - SUO MOTU
based on the News item in The Hindu
Newspaper, edition dated 06.12.2020, "Lake
encroachment in full swing at Mazid Banda".

And

Union of India and Ors.

...Respondent(s)

INDEX

S.No.	Particulars	Page no.
1.	Report filed on behalf of Respondent No.4	1

Date: 13.07.2024


Counsel for Respondent No.4

1

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI
O.A. NO. 03 of 2021 (SZ)**

IN THE MATTER OF:

Tribunal on its own motion - SUO MOTU
based on the News item in The Hindu
Newspaper, edition dated 06.12.2020, "Lake
encroachment in full swing at Mazid Banda".

And

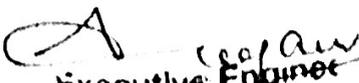
Union of India and Ors.

...Respondent(s)

REPORT FILED ON BEHALF OF RESPONDENT NO.4:

I, Sri A Narayana S/o Sri A Rajaiah, Age about 59 years, Occ: Executive Engineer, North Tanks Division, Greater Hyderabad Municipal Corporation, R/o. Hyderabad, do hereby solemnly swear and state on oath as follows:

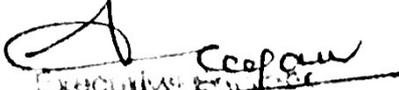
1. It is respectfully submitted that, I am working as Executive Engineer, North Tanks Division, HL&WBM Circle of Greater Hyderabad Municipal Corporation (GHMC), Hyderabad. As such, I am well acquainted with the facts of the case. Further, I am deposing this report in view of the order dated 09.01.2024 of the Hon'ble National Green Tribunal, South Zone in OA No. 03 of 2021 based on the records available with the Respondent Corporation
2. I submit that placing on record the following references:
 - i. LPC, HMDA Preliminary notification vide File No.1404/HMDA/EEL&P, 2013-14/10, Dt.23.07.2014.
 - ii. Objections of Sri M. Yadaiah, Shaik Ibrahim & others, dt. 20.07.2015, 26.08.2016.
 - iii. EE/NTD/DB/HD/2018/1301, dt. 15.10.2018.
 - iv. Deputy Collector & Tahsildar, Serilingampally Mandall, Lr. No. B/540/2018, dt. 22.12.2018.
 - v. RDO, Rajendranagar Division, Ranga Reddy District, Lr. No. D/192/2019, Dt.29.01.2019.
 - vi. Joint Inspection Report of RDO, Scientist C/DD, TSPCB, EE /North Tanks Division & EE Lake Protection, Dt 6.05.2021.
 - vii. Orders of Hon'ble High Court In W.P. No.11211 of 2021, dated 14.11.2022.
 - viii. Chairman, Lake Protection Committee, HMDA, Lr. No.2118/HMDA/LPC/2019 Dt 06.01.2023.
 - ix. Special. Grade Dy. Collector, Land Protection Cell I/C Lr No. LP/68/2022, Dt 27.01.2023.


Executive Engineer
Director

- x. EE, NTD, Lr. No. EE/NTD/ 2023/255, Dt.16.02.2023 addressed to Chairman, LPC, HMDA.
- xi. Convener, LPC Meeting on Dt. 25.07.2023.
- xii. EE, NTD, Lr. No. EE/NTD/2023/1196, Dt.10.08.2023 addressed to Chairman, LPC, HMDA.
- xiii. Convener, Lake Protection Committee, HMDA, Lr. No.02273/LPC/OA- 3/21/HMDA/2021, Dt: 26.07.2023.
- xiv. Orders of the Hon'ble High Court, Dt: 12.09.2023 in W.P. No. 25340/2023.
- xv. Proceedings of Spl. Chief Secretary to Govt., M.A & U.D Dept. No. 1404/HMDA/EE L& P/2013-14/10, Dt: 18.10.2023.
- xvi. Hon'ble NGT Orders Dt. 09.01.2024.

3. It is humbly submitted that vide reference 16th cited, the Hon'ble NGT directed to file a detailed report with regard the free flow of Nala is obstructed by the constructions for which GHMC had given building permissions. The Lake Protection Committee, HMDA has issued preliminary notification to notify the Mazid Banda Lake FTL & Cadastral Maps vide 1st cited and called for objections of the general public.

4. It is humbly submitted after issuing preliminary notification cited 1 above, two representations were received from Sri. Yadaiah & Shaik Ibrahim for objecting the draft notification & to withdraw the FTL in the lands claimed by them bearing Sy. Nos., 123, 124, 125, 128, 131,132, 133, 137, 138, 142, 143 and 145 of Mazid Banda village, under referenced cited 2 above. Accordingly, they have requested the Revenue Department to verify past revenue records including Khasra Pahani from year 1954-55 to take further necessary action in the matter. In-turn the Dy. Collector & Tahsildar, Serilingampally (M), addressed a letter vide Lr. No. B/540/2018, Dt. 22.12.2018 reported that the subject lands are Patta lands and there is water stagnated in the subject lands and it resembled like a small Kunta.


Executive Engineer
Joint Lake Dept.
Hyderabad

5. It is humbly submitted meanwhile the applicants approached the Hon'ble High Court vide W.P.No. 11211 of 2019 and W.P.No.14410 of 2023, the Hon'ble High Court has passed the orders stating to consider the Petitioners objections and finalize the same within three months of time. Further, it is to submit that based on the news item published in Hindu new paper on 06.12.2020, the Hon'ble NGT has taken the case as Suo Moto motion case bearing NGT O.A. No. 03 of 2021 (SZ), and accordingly, as per the directions of the Hon'ble NGT, the Joint Committee vide reference cited 6th above comprising the members of Revenue, HMDA and TSPCB officials inspected the site and submitted factual report before the Hon'ble NGT stating that there are no tank appurtenant components like bund, sluice and weir at that location. Further, based on the Implead Petition I.A. No.118 of 2022 filed by persons who are claiming to be Pattadars of survey numbers 123, 124, 125, 144 & 145 of Kondapur village, Serilingampally Mandal, the Hon'ble NGT has passed the orders on 01.08.2022 by directing the District Collector, Ranga Reddy to produce entire revenue records & SOI Topo-Sheets.

6. It is humbly submitted subsequently, as per the directions of the Hon'ble High Court in W.P. No. 25340 of 2023, a meeting was conducted by the Convener, LPC on the objection representation filed by Sri. M. Raju Yadav, Sri. Shaik Ibrahim & others on the HMDA preliminary notification of Mazid Banda Lake situated at Masid Banda (V), Serilingampally (M), R.R. District. Further, it was requested to furnish the specific remarks on the representation of Sri. M. Raju Yadav & others.

7. Accordingly, the report was submitted to Chairman, LPC, HMDA vide reference 12th cited stating that the subject matter of the location has been verified and examined with 1:25000 scale of Survey of India Topo sheet (56/K/7/1) and it is noticed that a stream (Kudi Kunta surplus


Executive Engineer
North Tanks Division

nala) course is passing through the subjected location. As per the index of SOI map, the type of structures is denoted as masonry or rockfills, earthwork dams, weir etc. The final notification was issued by the LPC, HMDA vide reference 13th cited.

8. It is humbly submitted that aggrieved by the said final notification, the petitioners filed a fresh case before the Hon'ble High Court vide W.P.No. 25340 of 2023 challenging the impugned final notification order vide reference 13th cited. Further, the Hon'ble High Court has allowed the Writ Petition by setting aside the final notification proceeding of LPC, HMDA and for personal hearing as agreed by both the parties, the respondents shall hear the objections of the petitioners and pass orders thereon in accordance with law. Accordingly, on hearing of the objections, the Chairman, LPC has issued Proceeding vide reference 15th cited, by accepting the objections of the Pattadars and withdrawn the draft notification in respect of Mazid Banda Lake since there is no tank Mazid Banda Lake based on the records of Settlement, Revenue & Irrigation Departments or NGRI/NRSI images except that the water is on account of stagnation caused by the obstructions to the natural stream as clearly pointed in the reports and requested to restore the Nala. Accordingly the Writ Petitions pending in High Court with regard to Mazid Banda Lake were disposed.

9. It is humbly submitted that the Hon'ble High Court passed the orders on Dt: 12.09.2023 in W.P. No. 25340/2023, vide reference 14th cited, a hearing was conducted by the Spl. Chief Secretary to Govt., and Commissioner HMDA and a detailed order was passed on Dt: 18.10.2023 vide reference cited 15th above, duly mentioning the action plan to restore the nala at subject lands and also to channelize the surplus course channel upto the tank in the downstream, duly taking in account the developments like roads, housing etc., as per the Survey of India toposheet and Master Plan made under the HMDA Act, in consultation


Executive Engineer

with Irrigation Revenue Departments and GHMC and LPC, to preserve the water bodies. The GHMC permissions were granted for construction of buildings after verification of the nalas as per SOI toposheet, Master Plan, title and other documents.

10. It is humbly submitted that it is found that on account of roads and housing the contours have undergone a change and hence the original kacha nalas formed naturally is no longer able to drain the storm water or the surplus water in upstream tank called Kudi Kunta and a permanent structure to channelize the storm water as per SOI Maps up to the downstream tank called Gopi Cheruvu is essential for smooth discharge of flood water without any obstruction.

11. Accordingly, it is proposed to reinforce the original nala, with a permanent RCC Box structure with a size of 3.0mx 2.0m at subject lands as per SOI topo sheet to channelize the flood and rain water, taking into the present and future developments, flood management and also the ecological requirements to preserve the downstream waterbody Gopi Cheruvu. The proposed reinforcement and channeling of the nala as part of its restoration plan is submitted herewith.

For the aforementioned facts and circumstances, it is therefore prayed that this Hon'ble Tribunal may be pleased to close the OA No. 03 of 2021 and pass such other order or orders as this Hon'ble Tribunal deems fit and proper in the circumstances of the case and thereby render Justice.

Sworn and signed on this the
13th day of July, 2024 at Hyderabad


RESPONDENT NO. 4
13/7/2024
Executive Engineer
North Tanks Division
Hyderabad

LOCATION SKETCH SHOWING THE ALIGNMENT OF SURPLUS COARSE NALA IN BETWEEN KUDI KUNTA TO GOPI CHERUVU AT SUBJECT LANDS

SITUATED AT KONDAPUR VILLAGE, SERILINGAMPALLY MANDAL, RANGA REDDY DISTRICT



Google Earth
Image © 2024 Airbus

Chandrababu
ATEE(NTD)

Malini Kumar
Dy. Executive Engineer
Irrigation & CAD Department
North Tanks Division
Hyderabad.

Malini Kumar
EXECUTIVE ENGINEER
Irrigation & CAD Department
North Tanks Division
HYDERABAD

LOCATION SKETCH SHOWING THE ALIGNMENT OF SURPLUS COARSE NALA IN BETWEEN KUDI KUNTA TO GOPI CHERUVU AT SUBJECT LANDS

SITUATED AT KONDAPUR VILLAGE, SERILINGAMPALLY MANDAL, RANGA REDDY DISTRICT

Legend

- Feature 1
- Path
- Untitled Path
- Untitled Path



Ch. S. S. S. S.
AEC/ISTD

Dr. Executive Engineer
Irrigation & CAD Department
North Tanks Division
Hyderabad.

EXECUTIVE ENGINEER
Irrigation & CAD Department
North Tanks Division
HYDERABAD