

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

ORIGINAL APPLICATION No. 68 OF 2024 (SZ)

[Earlier, OA No. 761 of 2023 (PB)]

IN THE MATTER OF:

Kotha Rambabu & Others

....

Applicant(s)

Versus

State of Telangana & Ors

....

Respondent(s)

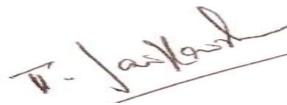
REPORT OF THE JOINT COMMITTEE

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Place: Hyderabad.

Date: 27-07-2024.


Counsel for Respondent
No. 2

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

NEW DELHI

Original Application No.68 of 2024

REPORT OF THE JOINT COMMITTEE CONSTITUTED IN THE OA NO. 68 OF 2024 (SZ) (EARLIER O.A. NO. 761 OF 2023 (PB) ON A LETTER PETITION RECEIVED FROM KOTHA RAMBABU AND OTHERS, REGARDING "ENCROACHMENT OF DORNAKAL BANDHAM CHERUVU SIKHAM LAND OF DORNAKAL BANDHAM AYAKATTU".

VERSUS

STATE OF TELANGANA



Joint Committee Inspection on 05.07.2024

Report of the Joint Committee constituted in the O.A. No. 68 of 2024 [earlier, O.A. No. 761 of 2023 (PB) on a letter petition received from Mr. Kotha Rambabu & others, R/o Dornakal, Mahabubabad District regarding encroachment of Cheruvu Sikkham land of Dornakal Bandham Ayakattu.

Introduction:

The Hon'ble National Green Tribunal (NGT), New Delhi as registered Original Application No. 761 of 2023 based on a letter petition received from Mr. Kotha Rambabu & others, R/o Dornakal, Mahabubabad District regarding encroachment of Cheruvu Sikkham land of Dornakal Bandham Ayakattu. The complainant and other farmers in his letter petition addressed to the Hon'ble NGT stated 1.1950 acres of land located in cheruvu shikkham were occupied by venkata Ramana and others and are building a compound wall around the place thereby the flood water coming from the upper pond alugu is flooding their lands causing damage to the crops fields and requested to protect the farmers land from flooding and remove illegal constructions.

The Hon'ble NGT, New Delhi vide Order dated 22.01.2024 constituted a Joint Committee comprising of representatives of the 1) Principal Secretary, Water Resource Department, Government of Telangana, 2) District Collector, Mahabubabad and 3) Telangana State Pollution Control Board – Nodal agency and directed the Joint Committee to undertake visit to the site, look into the grievances of the applicant, associate the applicant, verify the factual position and take appropriate remedial action. The Hon'ble NGT directed to submit factual and action taken report within 2 months before the Hon'ble NGT, SZ, Chennai. The Telangana State Pollution Control Board will be the Nodal agency.

Constitution of the Joint Committee:

In compliance to the Hon'ble NGT order dated 22.01.2024 in O.A.No.761 of 2023, the Joint Committee was constituted comprising the following officers:

- a. Smt. L. Alivelu, RDO, Mahabubabad, Representative of the District Collector, Mahabubabad District
- b. Sri. P.Sudarshan Rao, Executive Engineer (EE), Division No. 9, Maripeda, Mahabubabad, I & CAD Department, Representative of Principal Secretary, Water Resource Department, Government of Telangana

- c. Sri D.Narender, Senior Environmental Engineer, Zonal Office, Hyderabad -
Representative of the TSPCB, Hyderabad.

Terms of reference (TOR) to the Joint Committee:

The Joint Committee to undertake visit to the site, look into the grievances of the applicant, associate the applicant, verify the factual position and take appropriate remedial action and to submit the factual and action taken report within 2 months from the date of Judgment to the Hon'ble NGT, Chennai.

The Joint Committee Meeting and Inspection:

The Joint Committee in its preliminary meeting held at Sub Division office, Irrigation & CAD dept, Dornakal, Mahabubabad District on 05.07.2024 at 11.30 A.M discussed about the Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 22.01.2024

The Joint Committee along with Sri J.Bhadru, DEE, I&CAD, Smt.K. Krishnaveni, MRO, & Environmental Engineer, TGPCB, Regional Office, Warangal have inspected the Dornakal Bandham Cheruvu and surrounding areas on 05.07.2024.

At the time of inspection, Sri Kotha Rambabu applicant/petitioner was contacted and accompanied during the visit. The other farmers were also present. The following observations are made by the Joint Committee:

- The complainant Sri Kotha Rambabu informed that, compound wall construction taken place in buffer zone and the natural stream which flows along the road is closed, due to this, the stream is taking diversion in another way and finally leading to submergency of their agricultural fields.
- Bhandham cheruvu lake is located at Dornakal (coordinates N-17°26'19.4", 80°08'29.4") is surrounded by East: Agricultural land, West: Agricultural land, North: Open land followed by Road, South: Agricultural land.
- The EE, I&CAD informed that the excess water from Oora Cheruvu and rain water other catchemnet area flows into the Bhandham cheruvu lake.
- The total extent of the tank is 50 Acres. As per the irrigation department records actual Ayakattu is 35 Acres.
- The Lake is bifurcated into two parts one for irrigation and another is used as summer storage tank for drinking water. He informed that the inlet to the lake was disturbed due which rain water is flowing through the agricultural lands.
- Presently, the inlet drain to the tank was restored by diverting the nala.

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- He further informed that the outlet weir was closed during the summer storage tank. during the inspection, no water was observed in the irrigation tank. The patta land existing at Sy.No. 300, belongs to Nunna Ramana adjacent to the tank. The compound wall was constructed around the site. As per the revenue records, part of it is falling in Buffer zone of the tank.
 - The MRO informed that they will verify the records and take necessary action for issuing notices and removal of encroachments.
 - It was noticed that the natural stream which flows along the road was closed, due to which the run off rain water is flowing through the drain leading to stagnation and submergence of agricultural fields.
- Photographs collected by Joint committee during the visit are submitted as Annexure-IV.

Recommendations:

1. The irrigation department shall restore the natural stream for flow of water in raining season to avoid flooding.
2. Action taken shall be taken against the encroachments for restoring the buffer zone.
3. Inlet and outlet of the lake shall be restored.

Submitted:


Sri D. Narendra
Senior Environmental
Engineer, Zonal Office,
Hyderabad -
(Representative of TSPCB)


Sri P. Sudarshan Rao
Executive Engineer
Division No. 9, Maripeda,
Mahabubabad, I & CAD
Department


Smt L. Alivelu
RDO, Mahabubabad
- Representative of the
District Collector,
Mahabubabad District

2023/03/23



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Annexure-I

TELANGANA STATE POLLUTION CONTROL BOARD
Paryavarana Bhavan, A-3, Industrial Estate, Sanathnagar, Hyderabad – 500018
Phone: 040 – 23887500

Lr.No. 7/NGT-Chennai/TSPCB/Legal/2024- 4

Date: 19-04-2024

To

The Secretary to Govt.,
I&CAD Dept.,
Govt of Telangana.

The District Collector,
Mahabubabad District.

Sir,

Sub: TSPCB – Legal – Hon'ble NGT, Chennai -- Original Application No. 68 of 2024
[Earlier, OA No. 761 of 2023 (PB)] – Reg.

Ref: 1. OA No. 761 of 2023 (PB).
2. Hon'ble NGT, New Delhi Order dated 22.01.2024.

* * *

It is to submit that Original Application No. 761 of 2023 was registered by Hon'ble NGT, Delhi on a Complaint application received from Mr. Kotha Rambabu & others, Farmers of Dornakal Bandham Ayakattu, regarding encroachment of Cheruvu Sikhama Land of Dornakal Bandham Ayakattu.

The above case was heard before the Hon'ble NGT, Delhi on 22.01.2024 and the Hon'ble Tribunal transferred the case to the Hon'ble NGT, Chennai ordering as follows: -

ORDER

.....
.....
3. Prima facie the averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Principal Secretary, Water Resource Department, Government of Telangana, Collector, Mahabubabad, Telangana State Pollution Control Board (TSPCB) and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The TSPCB will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal O.A.No.761/2023 Kotha Rambabu & Ors. Vs. State of Telangana & Ors. at

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Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 16.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be forwarded by email to the Principal Secretary, Water Resource Department, Government of Telangana, Collector, Mahabubabad, Telangana State Pollution Control Board (TSPCB) for requisite compliance".

It is to further submit that the above case was heard before the Hon'ble NGT, Chennai on 25.03.2024 and the Hon'ble Tribunal has posted the matter to 16.05.2024 for filing of report. The copy of the Hon'ble NGT Order dated 25.03.2024 is placed below for kind perusal.

The Hon'ble Tribunal constituted a Joint Committee with the following members and directed to to file Action Taken Report before the Hon'ble NGT, Chennai: -

- a) Prl. Secretary, Water Resource Department, Government of Telangana
- b) District Collector, Mahabubabad District
- c) State PCB – **Nodal agency for coordination & compliance.**

Sri.D.Narender, Senior Environmental Engineer, Zonal Office, Hyderabad [Cell No. 9177303212, e-mail: see-zhyd-tspcb@telangana.gov.in] is nominated as representative of TSPCB.

In view of the above, you are requested to nominate an Official from your department for the Joint Committee so as to submit Action Taken Report (ATR) by the Joint Committee before the Hon'ble NGT, Chennai.

The case is posted for hearing on 16.05.2024.

Yours faithfully,
Sd/-

MEMBER SECRETARY

Encl: As above.

Copy to:

1. The SE, I&CAD Dept., Govt of Telangana for information and necessary action.
2. The JCEE, ZO, Hyderabad for Information and immediate necessary action.
3. The SEE (TF), Unit-VI for information and necessary action.
4. The EE, RO, Warangal for information and necessary action.

// T.C.F.B.O //

K. Reddy

**JOINT CHIEF ENVIRONMENTAL ENGINEER,
TSPCB, HEAD OFFICE, HYD.**

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Annexure-II

Office of the Superintending Engineer,
Irrigation Circle, Mahabubabad.

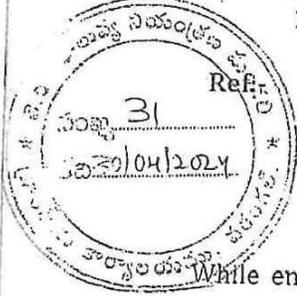
Memo No. SE/IC/MHBD/DSE/DEE2/T2/439

Dt. 25 .04.2024.

Sub:- I&CADD -TSPCB-Legal-Hon'ble NGT,Chennai-Original Application No.68 of 2024(earlier, OA No.761 of 2023(PB))Regarding .

Ref:

1. OA No.761 of 2023 (PB)
2. Hon'ble NGT, New Delhi order , Dt:22.01.2024.
3. TSPCB Lr.No. 7/NGT,New Delhi order,Dt:22.01.2024.



While enclosing copies of the references cited above and with reference to the subject cited, the Executive Engineer, Irrigation Division No.9, Maripeda is nominated from Irrigation Department for the joint committee so as to submit ATR by the joint committee and is requested to inspect the site and look into the grievance of the applicant and verify the actual position and take appropriate action.

Further, it is requested to co-ordinate with other departments of Revenue and Pollution Control Board to file the action taken report before the Hon'ble NGT,Chennai as the case is posted for hearing on 16.05.2024.

Encl: Copies of the references cited.

Sd/-(25.04.2024)
Superintending Engineer,
Irrigation Circle, Mahabubabad.

To,
The Executive Engineer,
Irrigation Division No.9,
Maripeda.

1. Copy submitted to the Chief Engineer (Irrigation), Warangal for favour of kind information.
2. Copy submitted to the District Collector, Mahabubabad for favour of kind information.
3. Copy submitted to the Senior Environmental Engineer, Pollution and Control Board, Zonal Office, Hyderabad for information.
4. Copy submitted to the Regional office, Telangana state Pollution and Control Board, H.No.1-8-269, Balasamudram, Hanumakonda for information

Sd/-(25.04.2024)
Superintending Engineer,
Irrigation Circle, Mahabubabad.

//ATTESTED//

Deputy Superintending Engineer,
Irrigation Circle, Mahabubabad.

25/4/24

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GOVERNMENT OF TELANGANA
OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE:: MAHABUBABAD

Land line: 08719-240400.

Mail Id: collector-mbd@telangana.gov.in
Website: Mahabubabad.telangana.gov.in

Rc. No. AI/Estt/PCB/2024.

Date:-26.06.2024.

From
Sri Adwait Kumar Singh. I.A.S.,
Collector & District Magistrate,
Mahabubabad

To
The Member Secretary
TS. Pollution Control Board,
Paryavarana Bhavan, A-3, Industrial Estate,
Sanathnagar, Hyderabad - 500 018.

Sir,

Sub: Hon`ble NGT, Chennai - Hon`ble NGT, Chennai - Original
Application No. 68 of 2024 [Earlier, OA No. 761 of 2023 (PB)] -
Appointment of official for tire Joint Committee- Reg.

Ref: The Member Secretary, TS. Pollution Control Board, Hyderabad
Lr.No.7/NGT-Chennai/T5PCB/Legal/2024-4, Dtd: 19.04.2024

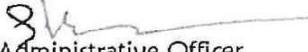
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I invite kind attention to the reference cited, wherein the Member Secretary, TS. Pollution Control Board, Hyderabad has informed that Original Application No. 761 of 2023 was registered by Hon`ble NGT, Delhi on a Complaint application received from Mr. Kotha Rambabu & others, Farmers of Dornakal Bandham Ayakattu, regarding encroachment of Cheruvu Sikhham Land of Dornakal Bandham Ayakattu. Further, the Hon`ble NGT, Chennai, vide order dt: 20.01.2024 , constituted a joint committee & requested to nominate an Official from District Collectorate for the Joint Committee, so as to submit Action Taken Report (ATR) by the Joint Committee before the Hon`ble NGT, Chennai.

In this regard, Smt. L. Alivelu, Revenue Divisional Officer, Mahabubabad is nominated for the Joint Committee in view of directions received vide reference cited above.

Yours faithfully
Sd/- Adwait Kumar Singh.,
Collector & District Magistrate,
Mahabubabad.

//Attested//


Administrative Officer

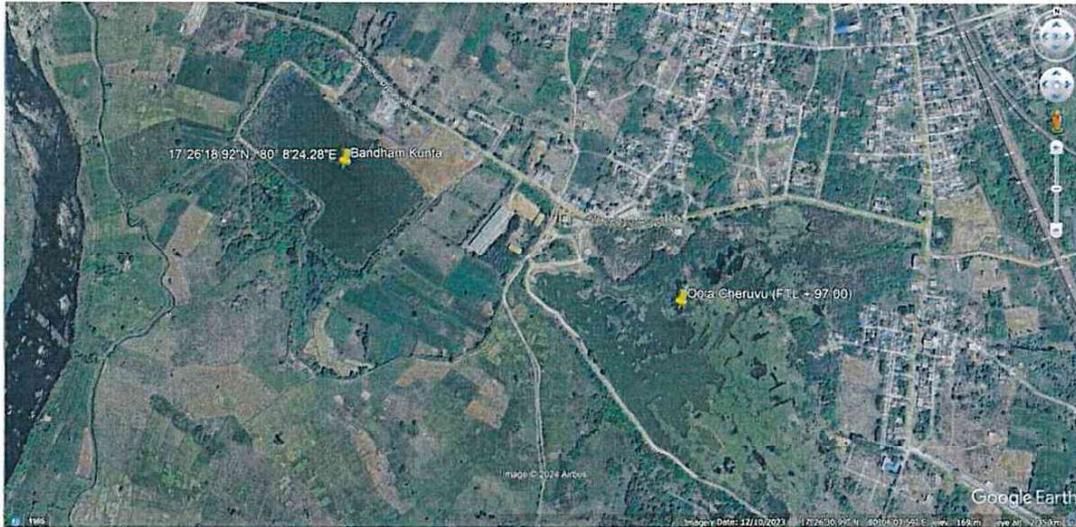
Copy to

1. Smt. L. Alivelu, RDO, Mahabubabad to file Action Taken Report before the Hon`ble NGT, Chennai.
2. The Environmental Engineer, TSPCB, Regional Office, Warangal for information.

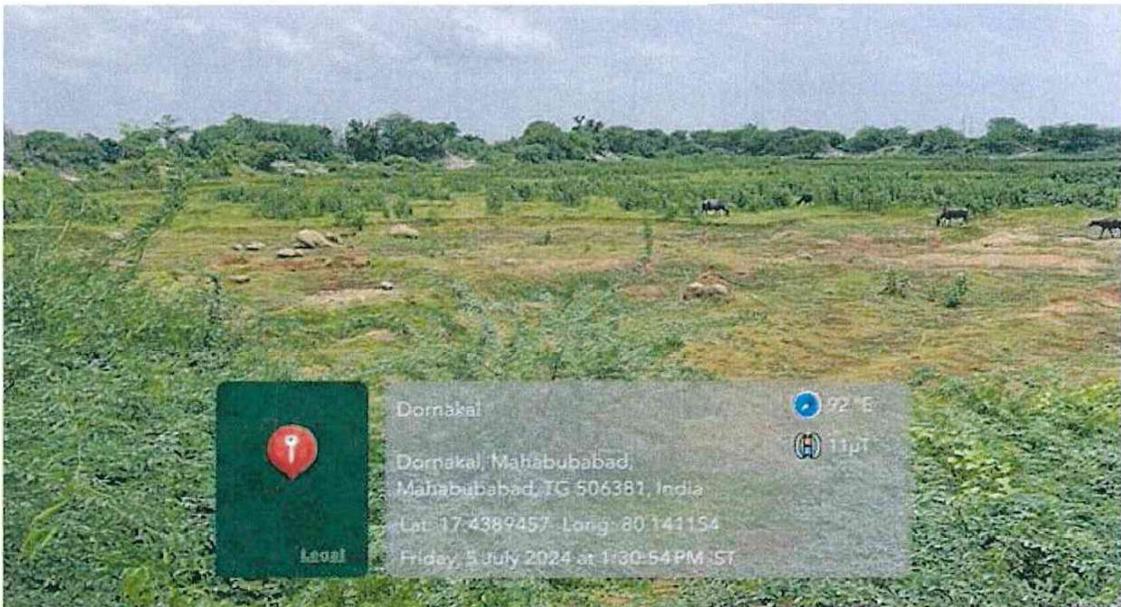
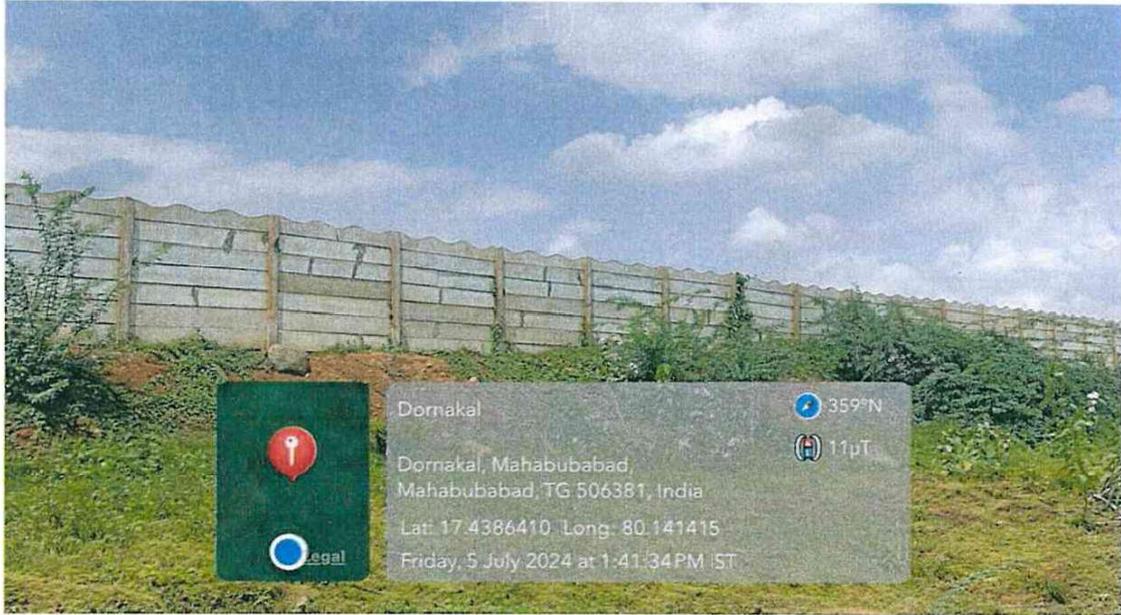
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12/08/2024

Photographs of the Joint Committee visit in connection with O.A. No.68 of 2024.



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Item No.3

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(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.761/2023

Kotha Rambabu & Ors.

...Applicant

Versus

State of Telangana & Ors.

...Respondents

Date of hearing: 22.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicants: None for the Applicants.

Application is registered based on a complaint received by Post.

ORDER

1. Kotha Rambabu & Ors, farmers of Dornakal bandham Cheruvu Ayakattu has sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 761/2023.
2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

"Subject: Regarding the encroachment of Cheruvu Sikhama land belonging to the Government of Dornakal Bandham Cheruvu by some land grabbers.

According to the above, they are appealing to you. We are farmers of Dornakal Bandham Cheruvu Ayakattu. Survey No. 300/A/1/1 belongs to Bandhan Pond and Govt (Summer Storage Ki). 1.1950 acres of land belonging to Cheruvu Shikha in the adjoining farmers (1) Venkata Ramana S/o. Ramaiah (late) (2) From Nunna Bharti W/o.

Venkataramana have occupied and are building a compound wall around the place. Damages caused by this seizure:

(1). Farmers have to travel through this land to do their agricultural work, and the road is closed.

(2) Tank bund also chance to damage, it will leads to cause damage of crop of the vicinity people.

(3). During the rainy season, the flood water coming from the upper pond Alugu flows from this land and joins the Munneru, a tributary of the Krishna river. If we construct a fence across the stream in this land, the pond will be filled with the flood and the dam will break and the crops of the farmers will be submerged in water.

Therefore, we request that the Bandham pond be protected from and the same Ayakattu farmer's crop fields be protected from floods and the illegal constructions on this occupied land be stopped immediately."

3. *Prima facie* the averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of the Principal Secretary, Water Resource Department, Government of Telangana, Collector, Mahabubabad, Telangana State Pollution Control Board (TSPCB) and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and take appropriate remedial action. The TSPCB will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Southern Zone Bench of this Tribunal

at Chennai, we are of the considered view that it will be appropriate if the case is further heard by the Southern Zone Bench of this Tribunal at Chennai.

6. Accordingly, the Registry is directed to list the matter before the Southern Zone Bench of this Tribunal at Chennai on 16.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Factual and Action taken Report may be submitted before the Southern Zone Bench of this Tribunal at Chennai within two months preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be forwarded by email to the Principal Secretary, Water Resource Department, Government of Telangana, Collector, Mahabubabad, Telangana State Pollution Control Board (TSPCB) for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 22nd, 2024