

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

PUBLIC INTEREST LITIGATION NO: 180 OF 2012

Between:

1. Vadla Nagesh Chari, S/o. Sathaiah, aged 45 years, Ex. Sarpanch, R/o. 3-1477.
2. Mstigolla (golla) Nagaraju Yadav, S/o. late Yadaiah, aged 28 years, Occ: Business, R/o. 1-65.
3. Kolan Narasimha Reddy, R/o. late Subhan Reddy, aged 55 years, Occ: Agriculture, above all are R/o Nozampet (V), Qutbullapur (M), Ranga Reddy District.

...PETITIONERS

AND

1. The State of A.P., rep. by its Principal Secretary, Minor Irrigation Command Area Development Department, Secretariat Buildings, Hyderabad, A.P.
2. The District Collector, Ranga Reddy District, Lakadi-ka-pool, Hyderabad.
3. The Chief Engineer, Irrigation and Command Area Development Department, Ranga Reddy District, Hyderabad.
4. The Divisional Panchayatraj Officer, Ranga Reddy District (East), Nampally, Hyderabad.
5. The Asst. Director, Surveyor and Land Records, Office of the District Collector, Ranga Reddy District.
6. The Deputy Collector & Tahsildar, Qutbullapur Mandal, Ranga Reddy District.
7. The District Land Protection Vigilance Officer, Land Protection cell, O/o. the District Collector, Ranga Reddy District.
8. The Mandal Surveyor, Quthbullapur Mandal, Ranga Reddy District.
9. The Executive Officer, (Panchayat Secretary), Nizampet Gram Panchayat, Quthbullapur (M), Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus directing the official respondents to conduct enquiry to fix boundaries by conducting survey in the Tanks/ Kuntas of Nizampet village, Qutbullapur mandal, Ranga Reddy District with the help of satellite

imageries or any other method of Survey properly to protect the Tanks by declaring Respondents inaction is illegal, arbitrary and subsequently direct the Respondents to stop the illegal constructions to protect Ponds/Tanks as it is violation of Articles 14,21 of the Constitution of India.

Counsel for the Petitioners: M/s. RAMA SITA BODDANI REP.

SRI RAMANA ALLU ADVOCATE

Counsel for the Respondent Nos.1 & 3: Ms. S.SWATHI, AGP FOR IRRI & CAD

**Counsel for the Respondent Nos.2,5 TO 8: SRI MURALIDHAR REDDY
KATRAM, GP FOR REVENUE**

Counsel for the Respondent No.4: ---

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

PUBLIC INTEREST LITIGATION No.180 of 2012

ORDER: (Per the Hon'ble the Chief Justice Alok Aradhe)

Ms. Rama Sita Boddani, learned counsel representing Mr. Ramana Allu, learned counsel for the petitioners appears through video conferencing.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue for the respondents No.2, 5, 6, 7 and 8.

Ms. S.Swathi, learned Assistant Government Pleader for Irrigation & Command Area Development Department for the respondents No.1 and 3.

2. In this petition filed as a public interest litigation, the petitioners, *inter alia*, seek a direction to the respondents to conduct an enquiry to fix the boundaries by conducting survey in the tanks/kuntas of Nizampet Village, Qutbullapur Mandal, Ranga Reddy District, with the help

- (i) No building/development activity shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta/shikam lands.

Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake/Kunta shall be reckoned as measured and as certified by the Irrigation Department and Revenue Department.

- (ii) The above water bodies and courses shall be maintained as Recreational/ Green Buffer Zone and no building activity shall be carried out within:

- (1) 100m from the boundary of the River outside the Municipal Corporation/Municipality/Nagara Panchayat limits and 50m within the Municipal Corporation/Municipality/Nagara Panchayat limits. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.
- (2) 30m from the FTL boundary of Lakes/Tanks/Kuntas of area 10Ha and above.
- (3) 9m from the FTL boundary of Lakes/Tanks/Kuntas of area 10Ha/shikam lands.
- (4) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.

- (5) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width upto 10m.
- (iii) Unless and otherwise specified in the Master Plan/Zonal Development Plan,
- (1) In case of (ii)(1) & (2) above, the buffer zone may be utilised for road of minimum 12m width, wherever feasible
 - (2) In case of (ii)(2) above, in addition to development of recreational/ green belt along the foreshores, a ring road or promenade of minimum 12m may be developed, wherever feasible.
 - (3) The above buffer zone to be left may be reckoned as part of tot lot or organized open space and not for setback requirements.
- (iv) In case of Protection of Catchment area of Osmansagar and Himayatsagar lakes covered under the G.O.Ms. No.111 MA dated 08.03.1996, the restrictions on building and development activity imposed there in shall be applicable in Hyderabad Metropolitan Development Authority (HMDA) area.
- (v) In case of areas along the Sea Coast, the Coastal regulation Zone (CRZ) regulations shall be followed."

8. Thus, from a perusal of the aforesaid Rule, it is evident that the FTL area of a lake/kunta has to be

reckoned as measured and as certified by the Irrigation Department and the Revenue Department. The aforesaid Rule applies to all Urban Development Authority areas and the Urban Local bodies together with Gram Panchayat areas in the State covered in the Master Plans/General Town Planning Schemes/Outline Development Plans.

9. Thus, the respondents are under an obligation to act in consonance with the aforesaid statutory obligations. Therefore, in order to protect the water bodies and to prevent the encroachment around the same, we issue the following directions:

i) The Lake Protection Committee shall proceed to issue a preliminary notification, if not already issued, and shall invite objections on or before the date specified therein.

ii) The Lake Protection Committee, after consideration of the objections, shall issue the final notification fixing the FTL of Papaiah Cheruvu, Kotha Kunta, Sriram Kunta, Aachari Kunta and Turuka Cheruvu; and

iii) The Lake Protection Committee shall take an action for removal of encroachment in accordance with law.

The aforesaid exercise shall be carried out within a period of six months from today.

10. Accordingly, the public interest litigation is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Minor Irrigation Command Area Development Department, Secretariat Buildings, Hyderabad, State of Telangana.
2. The District Collector, Ranga Reddy District, Lakadi-ka-pool, Hyderabad.
3. The Chief Engineer, Irrigation and Command Area Development Department, Ranga Reddy District, Hyderabad.
4. The Divisional Panchayatraj Officer, Ranga Reddy District (East), Nampally, Hyderabad.
5. The Asst. Director, Surveyor and Land Records, Office of the District Collector, Ranga Reddy District.
6. The Deputy Collector & Tahsildar, Quthbullapur Mandal, Ranga Reddy District.
7. The District Land Protection Vigilance Officer, Land Protection cell, O/o. the District Collector, Ranga Reddy District.
8. The Mandal Surveyor, Quthbullapur Mandal, Ranga Reddy District.
9. The Executive Officer, (Panchayat Secretary), Nizampet Gram Panchayat, Quthbullapur (M), Ranga Reddy District.
10. One CC to SRI RAMANA ALLU, Advocate [OPUC]
11. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
12. Two CCs to GP FOR IRRIGATION & CAD, High Court for the State of Telangana, at Hyderabad. [OUT]
13. Two CCs to GP FOR PANCHAYAT RAJ & RURAL DEV, High Court for the State of Telangana, at Hyderabad. [OUT]
14. Two CD Copies

PSK.

LS K.P.

HIGH COURT

DATED:29/10/2024

ORDER

WP(PIL).No.180 of 2012



**DISPOSING OF THE PIL
WITHOUT COSTS.**

*19 Copies
for
13/11/24.*