

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION Nos.24260 of 2008; 30067 of 2011; 13215, 3705, and 12540
of 2012; 4362 and 8303 of 2013; 11499 of 2015 and PIL No.254 of 2012**

Dt:11.07.2016

WRIT PETITION Nos.24260 of 2008

Between:

Dr. K.L. Vyas

... Petitioner

And

The Pollution Control Board and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION Nos.24260 of 2008; 30067 of 2011; 13215, 3705, and 12540
of 2012; 4362 and 8303 of 2013; 11499 of 2015 and PIL No.254 of 2012**

-

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Sri V.Narasimha Goud with Sri C.Raghu, Sri H.Srinivas Rao (amicus curie), Sri P.Lakshma Reddy, Sri V.Ramchander Goud, Sri Krishna Reddy Putta and Sri V.Ramakrishna Reddy, learned counsel for the petitioners, Sri T.Sudhakar Reddy, learned Standing Counsel for Hyderabad Metropolitan Water Sewerage Board; Sri Pasham Krishna Reddy, learned Standing Counsel for GHMC; Sri Y.Rama Rao, learned Standing Counsel for Hyderabad Metropolitan Development Authority; Sri T.V.Ramana Rao, learned Standing Counsel for Telangana State Pollution Control Board; Sri Rajesh Nehta, learned Government Pleader for Roads & Buildings; and learned Government Pleaders for Irrigation and Revenue, for respondents.

This group of writ petitions, including PIL, raise common questions in respect of different tanks in the city of Hyderabad including Ramanthapur Pedda Tank (Cheruvu).

The official respondents propose to put up fence to protect Full Tank Level (FTL) and we are informed that the Government sanctioned monies for the same long back. It appears, the moment respondents took steps for erecting fence, several private individuals,

such as the petitioners herein, approached this Court seeking protection of their lands contending that they are holding pattas and unless their lands are acquired, those cannot be used for any purpose whatsoever and that, the fence cannot be erected covering their lands.

Learned counsel appearing for the official respondents, on the other hand, deny rights, title and interest of private individuals including petitioners. They, however, state that they have no objection to once again ascertaining whether any private lands are covered by FTL.

In this backdrop, after having heard learned counsel for the parties, they have agreed for the order that we propose to pass and have fairly stated that we need not record reasons for disposal of these petitions. Hence, we dispose of these petitions with the following order:

- (1) "The concerned respondents i.e. Greater Hyderabad Municipal Corporation (GHMC); Hyderabad Metropolitan Development Authority (HMDA), Irrigation, and Revenue, shall conduct survey of all lakes/tanks/lands within the limits of GHMC to determine FTL after issuing notice to the petitioners/unofficial respondents or any other person who claim that their lands are within FTL and then, proceed to put up fence, covering the FTL. Mr.Bhaskar Reddy, learned Special Government Pleader, submits that survey would be conducted by the Assistant Director, Survey and Settlements. His statement is accepted.
- (2) It is open to the official respondents, then to take

appropriate steps to erect fence and to take action, in accordance with law, for removal of encroachments, if any, in FTL area of the lakes.

(3) We hope and trust that the official respondents shall complete this exercise on or before 31.12.2016.

(4) If the concerned official respondents find that the lands fall within FTL, are private patta lands, they may give an intimation to such land owners and take further steps for acquiring those lands and for payment of compensation in accordance with law. It is needless to mention that the concerned authority shall complete acquisition proceedings and payment of compensation expeditiously. Parties have agreed that pending acquisition, they shall not have any objection for fencing FTL and even for removal of structures, if any, therein, after following due process of law and subject to their right to claim compensation in accordance with law.

(5) If right, title and interest of the petitioners in the lands within FTL is disputed/denied by the concerned official respondents, the District Collector shall inform the same to the petitioners/private respondents or any other person before the end of February, 2017 and in that eventuality, it is open to all such petitioners/private individuals to approach civil Court seeking declaration of their title. If the petitioners/private individuals succeed in establishing their title over the lands covered by FTL, the official respondents, subject to their right to appeal, shall

take steps to pay compensation to all such petitioners/private individuals in accordance with law.

(6) Under any circumstances, the petitioners or other individuals/encroachers shall not obstruct the concerned official respondent from erecting fence covering the FTL after the exercise of survey is complete and subject to their right to seek compensation, as aforementioned.

(7) While passing this order, we shall not be understood to have examined rights of the petitioners or private individuals or unofficial respondents.

(8) We make it clear that the HMDA shall act as nodal authority for giving effect to this order.

(9) The Pollution Control Board shall take all steps to prevent pollution in the lakes within the jurisdiction of HMDA. It is needless to mention that once FTL is determined, no construction shall be allowed in that area. This, however, shall not preclude the concerned authorities from strengthening the bund and development of pipeline by sewerage board within FTL area for preventing storm water in the lakes.”

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Dt:11.07.2016

kdl