

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH,
TWO THOUSAND AND SIXTEEN

:PRESENT:

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

PIL .NO: 237 of 2014

Between:

- 1 Save Our Urban Lakes,
a Social Organization, having its office at F-1,
Eden Banjara, Aurora Colony, Road No.3, Banjara Hills, Hyderabad-34,
rep. by its Founder Convenor, Dr. Jasveen Jairath W/o.Vinod Jairath.
- 2 Satish Kumar S/o. Wadhvani Keshavdas @ Arjun Kumar,
Occ: Business, permanent R/o. Flat No. 209, Sagar Apartments,
Domalguda, Hyderabad-29.

..... Petitioners

AND

- 1 The State of Telangana, represented by its Principal Secretary, Revenue
Department, Secretariat Buildings, Hyderabad
- 2 The District Collector, Ranga Reddy District at Lakdi-ka-pool, Hyderabad.
- 3 The Tahsildar, Keesara Mandal, at Keesara, Ranga Reddy District.
- 4 The Greater Hyderabad Municipal Corporation, rep. by its Commissioner,
Tank Bund Road, Hyderabad.
- 5 The Hyderabad Metropolitan Development Authority, rep. by its Member
Environment & Convenor, Lake Protection Committee, Tank Bund Road,
Hyderabad-63.
- 6 The Executive Engineer, North Tanks Division I, HMDA, Budha Bhavan,
Hyderabad.
- 7 M/s. AARVEE Associates, Architects Engineers & Consultants Pvt. Ltd.,
Ravula Residency, Srinagar Colony, Main Road, Hyderabad.
- 8 Mr. G. Balreddy S/o. late G.R. Reddy, aged about 58 years, r/o. 5-9-520,
Tulasi Gardens, Yapral, Hyderabad.
- 9 Mr. B. Ananad S/o. Late B.Shivaiah, aged about 59 years, Occ: Business,
R/o. 14/A, Indian Airlines Colony, Secunderabad.
- 10 Mr. P.Govardhan Reddy S/o. Sudhakar Reddy, aged about 36 years, Occ:
Business, r/o. Flat No. 301,C Block, Matushri Apts., Hyderguda, Hyderabad.
**(Cause title of R-1 is amended as per Court order dated 29-12-2014 in
PILMP No.478 of 2014)**

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 8th respondent in proceeding with the permanent construction in the land falling within the full tank level area of Kapra lake in Sy.No. 634 on the basis of the revised plan submitted by the 7th respondent and the respondents 1 to 6 were not taking any steps for refraining him, as being illegal, arbitrary and is in negation of Article 21 of the Constitution of India apart from against to the Judgments of this Honourable Court as well the Honourable Apex Court and consequently set aside the same with a direction to the official respondents to remove the constructions made by the unofficial

respondent forthwith and report compliance to this Honourable Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 22-09-2014 made herein and upon hearing the arguments of Sri K. Rathanga Pani Reddy, learned counsel for the Petitioners and Sri C.V. Bhaskar Reddy, learned Government Pleader for Revenue (TG), the Court made the following

-
ORDER:

-
Heard Sri K.Rathanga Pani Reddy, learned counsel for petitioner and Sri C.V.Bhaskar Reddy, learned Government Pleader for Revenue (TG).

The petitioner in the instant writ petition alleges that 8th respondent is proceeding with permanent construction in the land falling within the full tank level area/ buffer zone of Kapra lake in Sy.No.634 on the basis of revised plan submitted on their behalf. In view thereof, on 22.09.2014 direction was issued to the Principal Secretary, Revenue Department to cause an enquiry to be made by the District Collector concerned himself as to how many water bodies and lakes are there and whether there had been any encroachment or any attempt to destroy the existence of water bodies in any manner whatsoever. The first respondent was also directed to submit a report identifying the encroachments and giving names and full details of encroachers. Comprehensive report, according to the learned Government Pleader, is already placed on record. He has also invited our attention the counter affidavit dated 28.01.2015 filed by the third respondent.

We have perused the relevant portion of the counter affidavit. Learned Government Pleader could not and did not point out either from the counter affidavit or the comprehensive report, any statement made about the alleged encroachment in the land falling within the full tank level area/buffer zone. He, therefore, seeks time to file affidavit of the concerned District Collector stating whether there is any encroachment in the full tank level area/buffer zone of Kapra lake in Sy.No.634 either by the respondent no.8 or by any other person before the next date.

Stand over to 24.03.2016.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Revenue Department, State of Telangana, Secretariat Buildings, Hyderabad
- 2 The District Collector, Ranga Reddy District at Lakdi-ka-pool, Hyderabad.
- 3 The Tahsildar, Keesara Mandal, at Keesara, Ranga Reddy District.
- 4 The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad.
- 5 The Member Environment & Convenor, Hyderabad Metropolitan Development Authority, Lake Protection Committee, Tank Bund Road, Hyderabad-63.
- 6 The Executive Engineer, North Tanks Division I, HMDA, Budha Bhavan, Hyderabad.

- 7 M/s. AARVEE Associates, Architects Engineers & Consultants Pvt. Ltd.,
Ravula Residency, Srinagar Colony, Main Road, Hyderabad.
 - 8 Mr. G. Balreddy S/o. late G.R. Reddy, r/o. 5-9-520, Tulasi Gardens, Yapral,
Hyderabad.
 - 9 Mr. B. Ananad S/o. Late B.Shivaiah, R/o. 14/A, Indian Airlines Colony,
Secunderabad.
 - 10 Mr. P.Govardhan Reddy S/o. Sudhakar Reddy, r/o. Flat No. 301,C Block,
Matushri Apts., Hyderguda, Hyderabad.
 - 11 One CC to Sri K. Rathanga Pani Reddy, Advocate (OPUC)
 - 12 Two CCs to the G.P. for Revenue (TG), High Court of Judicature at
Hyderabad. (**By Special Messenger**)
 - 13 Two spare copies.
- nnr

HIGH COURT

**HACJ
&
PNR,J**

DATED: 10-3-2016

NOTE: Stand over to 24-3-2016

ORDER

PIL.NO. 237 OF 2014

DIRECTION

Nnr
Date of Drafting : 11-03-2016

HIGH COURT

HACJ
&
PNR,J

DATED: 10-3-2016

NOTE: Stand over to 24-3-2016

ORDER

PIL.NO. 237 OF 2014

DIRECTION