

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

Application No.114 of 2016 (SZ)

In the matter of

1. Human Rights & Consumer Protection
Cell Trust
Represented by its Chairman
Thakur Rajkumar Singh
Chairman – HRCPC Trust,
BHEL MIG 982, Serilingampally,
Hyderabad 502 032, Telangana State

.. Applicant

Vs.

1. The State of Telangana,
Rep. by its Chief Secretary,
Secretariat, Hyderabad, Telangana State.
2. The Metropolitan Commissioner,
Hyderabad Metropolitan Development Authority,
Tarnaka, Hyderabad,
Telangana State.
3. Lake Protection Committee
Rep. by its Member Convenor: Member Environment,
Buddha Poornima Project,
Tank Bund Road, Hyderabad,
Telangana State.
4. The District Collector,
District Collectorate, Sangareddy,
Telangana State.
5. The Commissioner,
Greater Hyderabad Municipal Corporation,
Tank Bund, Hyderabad,
Telangana State.
6. The Tahsildar, Ramachandrapuram Mandal
Ramachandrapuram, Medak District,
Telangana State.
7. Bonala Krishna Rao,
Domalguda, Hyderabad 500029
Telangana State.

8. G.Anil Kumar,
Ameenpur Village,
Patancheru Mandal,
Medak District, Telangana State.

9. Shaik Faheem,
Vemu Kunta, Chandanagar,
Hyderabad 500 050
Telangana State

.. Respondents

Counsel appearing for the applicant:

Mr.Thakur Rajkumar Singh

Applicant in person

Counsel appearing for the respondents

Mrs.H.Yasmeen Ali for R1, R4 & R6

Mr.T.Sai Krishnan for R2 & R3

M/s.M.Govindaraj, D.Srinivasan,
K.Prakash for R5

M/s.N.Ramiah & B.Chandrasekaran for R7, R8 & R9

ORDER

Present

Hon'ble Shri Justice Dr.P.Jyothimani, Judicial Member

Hon'ble Shri P.S.Rao, Expert Member

Delivered by Justice Dr. P. Jyothimani
(Judicial Member)

7th July, 2017

Whether judgment is allowed to be published on the Internet .. Yes/No

Whether judgment is to be published in the All India NGT Reporter .. Yes/No

The applicant, which is an organisation for protection of environment, particularly water bodies in and around Hyderabad, complaining about the conduct of the 5th respondent – Greater Hyderabad Municipal Corporation (GHMC), in allowing construction in water bodies, particularly by the private respondents 7, 8 and 9 in Survey Nos.213 and 214 of Kanukunta (small pond) of Ramachandrapuram Village, Medak District (presently Sangareddy District), Telangana State, which is in violation of

Environmental Laws, directions of the Supreme Court, High Court and NGT, prays for a direction against the 5th respondent to remove all the illegal land unauthorised constructions falling in Kanukunta FTL and Buffer Zone, restore to its Full Tank Level, clearing its inflow and outflow nalas and fence it so as to stop all encroachments and further direct stringent punitive action against all the erring officials who allowed constructions and damage to Kanukunta.

2. It is the case of the applicant that a building permission has been issued to the 9th respondent on 26.11.2015 for construction in 83.61 sq.m of land in Survey No.214/2 which is part of buffer zone of the waterbody and the construction site is located in government land. It is stated that one, Mr. Seetaiah, a Freedom Fighter was allotted agricultural land in the said survey number for cultivation which, according to the applicant, is a waterbody (Kanukunta). The heirs of the said allottee have sold the land to the 7th respondent – Mr. Bonala Kishan Rao, who in turn gave it for development to M/s. Movva Avenues & Developers in 2008 who were directed to stop development by the Local Body on the ground that it is a waterbody. The said Bonala Kishan Rao, who has failed to develop the property because of the said reason, sold the land to the 8th respondent – Mr. Gali Anil Kumar in 2004. The said Gali Anil Kumar sold a small portion of the land to the 9th respondent – Mr. Shiek Faheem, who started illegal construction in the buffer zone of the waterbody.

3. It is stated that the applicant has previously filed a complaint before the Lokayukta and when such complaints were pending, attempts were made by respondents 7, 8 and 9 to start construction in Kanukunta by the land grabbers. As per the complaint, in February, 2015, a bore-well was

destroyed and barricades were removed by the Hyderabad Metropolitan Water Supply and Sewerage Board (HMWS & SB). It is stated that inspite of the complaint dated 12.4.2016 the 9th respondent is carrying on construction and no action has been taken.

4. The case of the applicant is that all the Laws enacted by the State Government from time to time for protection of water bodies in Telangana have been flouted by undertaking unauthorised constructions. The applicant particularly states that the construction is against A.P (Telangana Area) Land Revenue Act, 1908, particularly Section 24 which prohibits all kinds of encroachments in waterbodies, even in respect of private properties. On 3.1.1951, the Nizam of Hyderabad, in exercise of the powers conferred under the said Act, has made the Andhra Pradesh (Telangana Area) Land Revenue Rules, 1951. Rule 27 of the said Rules prohibits grant of patta in tank bed land. However, Rule 30 enables bed lands of rivers and nalas which surface due to recession of water and which are fit for cultivation, to be leased on eksal basis for cultivation, preference being given to persons belonging to SC, ST, BC communities subject to the condition that the cultivation is restricted to creepers such as cucumber, melons, mustard etc and all the crops shall be completely removed by 31st May as not to obstruct free flow of rain water during monsoon or cause silting. According to the applicant, the water tanks were built by the Nizams for the purpose of drinking, agriculture and flood management and presently the water bodies in and around Hyderabad are not fit for drinking purpose and huge apartments and commercial buildings have come up on Nalas, buffer zone, FTL and tank beds in more than 500 waterbodies in Hyderabad, Hussainsagar is one such classic example.

5. The A.P. Land Grabbing (Prohibition) Act, 1982 came into existence to prohibit activity of grabbing of any land whether belonging to the government, local body, religious and charitable endowment or private person without lawful entitlement with a view to prevent illegally taking possession or construct unauthorised structures for sale etc. However, the government has not taken any action under the said Act to prevent encroachers and land grabbers of water bodies and nalas. Even though few cases were booked, there was no fruitful result.

6. The Andhra Pradesh Water, Land and Trees Act, 2002 (WALTA) prohibits encroachment and pollution of waterbodies as seen in Section 23. The designated officer is empowered to take action to prevent and control polluted water entering into waterbody. However, the Panchayat Raj Department has not taken any action so far to appoint Designated Officer for implementing the above said Act. The government is converting water bodies into residential zones. Till date, no steps are taken to measure and demarcate the boundaries of waterbodies or evict encroachers on water bodies. If only the Designated Officer under the Act had taken steps, the encroachments in water bodies would have been prevented.

7. The High Court of Andhra Pradesh has passed order on 2.2.2010 in W.P.Nos.9386 and 14728 of 2007 and 20072 of 2008 pursuant to which the government has passed G.O.Ms.No.157 Municipal Administration and Urban Development (II) Department dated 6.4.2010 constituting the "Lake Protection Committee" for the purpose of protection of lakes in Hyderabad Metropolitan Development Authority (HMDA) area. It has been entrusted with the duty of listing of all lakes along with their FTL in HMDA area, giving

wide publicity and awareness campaign for protection of the lakes, to prepare action plan for desilting of the lakes and inflow channels, removal of existing encroachments in the foreshore areas, to demarcate the lakes upto FTL by raising bunds and to prevent future encroachment etc.

8. It is stated that the 3rd respondent – Lake Protection Committee released a list of 2857 lakes in HMDA area and since 2010 no action was taken. By G.O.Ms.No.33 Municipal Administration & Urban Development (II) Department dated 24.1.2013 the government has approved the Metropolitan Development Plan – 2031 for Hyderabad Metropolitan Region along with Zoning and Development Promotion Regulations by clearly demarcating the water and forest zones where construction shall not take place. However, the 5th respondent has not taken any action against the illegal construction of walking track in Sakhi Cheruvu in Patancheru Mandal and according to the applicant, such inaction on the part of the authority is against the judgment of the Supreme Court in JAGPAL SINGH & OTHERS V. STATE OF PUNJAB & OTHERS (Civil Appeal No.1132/2011 dated 28.1.2011) and that of the Andhra Pradesh High Court by which the Lake Protection Committee came to be constituted with the result the official respondents, particularly the 5th respondent, failed to take any action for protecting and restoring water bodies. The 6th respondent – Tahsildar who is primarily responsible for protection of water bodies and nalas and report to the District Collector, inspite of complaint made to him, has not taken any action for protection of environment. Therefore, the present application is filed to stop construction in Survey Nos.213 and 214 of Kanukunta Hamlet, Ramachandrapuram Village, Medak District (presently Sangareddy Distrit), Telangana State and to give directions to the official respondents to take action.

9. The 2nd and 3rd respondents viz., Hyderabad Metropolitan Development Authority (HMDA) and Lake Protection Committee in their reply dated 30.8.2016 have stated that the 2nd respondent HMDA has not given any approval for construction in the water bodies by respondent 7 to 9. The HMDA initiated action for removal of unauthorised constructions made without permission as and when complaints are received. In so far as it relates to the permission or inaction of the 5th respondent, the 2nd respondent is not aware of the same. It is stated that the Lok Ayuktha is monitoring the progress of FTL of lakes and the 3rd respondent – Lake Protection Committee has been submitting status report on the progress of survey of lakes periodically. The Lok Ayuktha has directed the Irrigation and Revenue Officials to speed up the verification, certification of surveyed lakes so that the 3rd respondent may complete the notification of all lakes of HMDA area. The Lok Ayuktha has asked the NGOs like SOUL and others to wait till the completion of official notification of all lakes, so as to take action against encroachments.

10. It is stated that as per the powers conferred under Section 23 of the HMDA Act, 2008, the 2nd respondent has issued notice in respect of local bodies to take immediate steps for removal of unauthorised developments made in violation of various laws. The HMDA has also written letters to all Grama Panchayats to curb the unauthorised development. It is further stated that the Andhra Pradesh Government has constituted Lake Protection Committee by GO.Ms.No.157 MA & UD Department dated 6.4.2010 in compliance with the orders of the Hon'ble High Court dated 2.2.2010 passed in W.P.No.9386 of 2007 for protection of lakes in HMDA

area pending enactment of a separate legislation for constitution of Lake Protection Authority.

11. The Lake Protection Committee has conducted 14 meetings till date regarding protection and conservation of lakes in HMDA area, demarcation and fixation of FTL boundaries, identification of buffer zones, restoration of bunds, prevention of pollution of lakes, removal of encroachments in the FTL area etc. It is stated that so far 2857 lakes have been identified by the 3rd respondent in the HMDA area, including 168 lakes in the Greater Hyderabad Municipal Corporation (GHMC) after consultation with the stakeholders/Members of Lake Protection Committee. Consultants were appointed by HMDA and GHMC to conduct survey of FTL of lakes within their jurisdiction. Preliminary notification was issued for 469 lakes out of 523 lakes falling in the jurisdiction of erstwhile Hyderabad Urban Development Authority (HUDA) under Phase I and 234 lakes out of 1400 lakes under phase II (outside ORR) after obtaining certification of FTL maps by Irrigation Department. The certification in respect of other lakes are yet to be received from the Irrigation Department to be placed in public domain. After obtaining objections/suggestions from the public, the concerned District Collectors are to verify and confirm the cadastral maps of the lakes and after the receipt of the cadastral maps, final notification will be issued and report will be placed before the government to take up the preservation and conservation of lakes in the HMDA area. It is stated that work is in progress with inter-departmental co-ordination for certification of FTL by Irrigation Department, preparation of cadastral maps by Revenue Department etc. In the meanwhile, the 3rd respondent Lake Protection Committee is requesting the concerned District Collectors to take

appropriate action for removal of encroachments, illegal constructions on buffer zones of lakes, on receipt of complaints.

12. It is stated that by virtue of the powers conferred under Section 14(1) of the HMDA Act, 2008, the government has sanctioned the Metropolitan Development Plan – 2031 for Hyderabad Metropolitan Region along with the land use zoning and Development Promotion Regulations. Accordingly, the Metropolitan Development Plan – 2031 came into force by virtue of G.O.Ms.No.33 MA dated 24.1.2013. The laying of walking track/road in Sakhi Cheruvu in Patancheru Mandal is not connected with the prayer sought for in the application. The prayer is mainly against the 5th respondent. The 2nd respondent – HMDA is not granting any permission for lay out and Ramachandrapuram Village falls under the jurisdiction of 5th respondent – GHMC.

13. The 5th respondent – GHMC in its reply dated 15.11.2016 has stated that on receipt of the representation from the applicant dated 12.4.2016 the officials of GHMC have made a spot inspection and found that there was no excavation activity and the construction work done by the 9th respondent has been stopped pursuant to the notice dated 20.7.2016. It is stated that one building permission in Survey No.214/2 was issued based on the registered document of 1983 and EC etc to the 9th respondent on 7.4.2015. Two more applications for permission in Survey Nos.213/2 and 214/2 have been received from the 7th respondent which are not processed due to the pendency of the present case. The GHMC officials have informed respondents 7 to 9 on 1.11.2016 to stop the work until disposal of the case. The 5th respondent has also addressed a letter to the Assistant Director, Survey & Land Records, Sangareddy, Medak

District on 23.7.2016 requesting to furnish the classification certificate of subject land in Survey No.214/2, Kanukunta, Ramachandrapuram along with sketch map. The Assistant Director of Survey and Land Records in the letter dated 26.7.2016 informed that on verification of Sethwar Survey Record, it is seen that Survey No.214 is recorded as 'Kharij Khatha' (Government Land) situated at Kanukunta, Ramachandrapuram and Survey No.213 Kunta is adjacent to Sethwar. It is also informed that as per the Revenue of Rights (ROR) certificate, the land belongs to the 7th respondent- Bonala Krishna Rao, pattedar in Survey No.214/2 and 213/2 "Metta" measuring an extent of Acres 0.3800 guntas in each survey number. The inventory of government lands in Survey No.214 show as Kharij Khatha as per the Mandal Revenue Office (MRO) Pahani 2012 – 2013 Survey No.213/1 to an extent of Ac 0.20 gts which has been stated as Kanukunta but now PWD Road and as per Town Survey Records available in M.R.O Records (Pahani) as detailed below:

Period	Survey No.	Classification of Land	Remarks
1955-1956	213	Shikam	Government Land
	214	Khareej Khatha	
1960-1961	213	Shikam	Government Land
		Khareej Khatha	
1969-1970	213	Shikam	Ac 0.20 guntas Government land AC 0.38 guntas
	214/2	G.Seethaiah (pattedar)	
1985-1986	213/1	Shikam (AC 0.20 gunta)	Government Land
	213/2	Seetaiah –Bonala Krishna Rao AC 0.38 gts	
	214/1	Kareej Khatha (AC 0.04 guntas)	
	214/2	Seethaiah –Bonala Krishana Rao (AC 0.38 guntas)	
1989-1990	213/1	Shikam (AC 0.20 gunas)	
	213/2	Bonala Krishna Rao (AC 0.38 gts)	
	214/1	Kareej Khatha (AC 0.04 guntas)	
	214/2	Bonala Krishna Rao (AC 0.38 gts)	
2012-2013	213/1	Kanukunta (AC 0.20 guntas)	PWD Road
	213	Bonala Krishna Rao (Metta) AC 0.38 gts.	
	214/1	Kanukunta (AC 0.04) Pipeline	Pipe Line
	214/2	Bonala Krishna Rao (Metta) AC 0.38 gts	

14. As per the revenue records, there is no waterbody in existence in the place wherein the applicant in his complaint dated 12.4.2016 has stated that respondents 7 and 8 have started construction in water body. It is stated that the land grabbing case filed against the 7th respondent was dismissed by the Special Court constituted under the A.P Land Grabbing (Prohibition) Act on 15.7.2002. As per the report submitted by the Revenue Divisional Officer addressed to the District Collector, Medak District, Survey Nos.213 and 214 of Ramachandrapuram as per Khasra Pahani (1954 – 1955) Survey No.212 of an extent of Ac. 2.05 gts is recorded as Kunta and as per Sessal Pahani 1955 – 1958 to an extent of AC. 1.18 gts was recorded as Shikam and as per Pahani for the year 1966 – 67 it was reduced to Ac. 0.20 gts.

15. It is further stated that as per the Khasra Pahani, Survey No.214 is an extent of Ac. 0.19 gts but as per Sessal Pahani it is stated as 1.02 gts. However, in both the records, it is stated as Khareej Khatha (government land) which status continued upto 1965 – 66. One Golla Sattaiah, a Political Sufferer was assigned an extent of Ac. 1.36 gts of land out of Survey No.213 and 214 at 0.38 gts in each survey number and the assignee was permitted to alienate the said land by virtue of the proceeding of Tahsildar, Sangareddy dated 2.4.1969 and accordingly he sold the land to one, Gaddam Veeraiah who executed sale deed in favour of the 7th respondent Bonala Krishna Rao on 23.9.1993 and the same is available on record. The 7th respondent has entered into an exchange deed with 8th respondent who in turn has alienated a portion to the 9th respondent. It is stated that the above report has been enclosed to Lokayukta and the

Lokayuktha as per the letter dated 19.3.2015 has handed over to Bonala Krishna Rao – Pattedar, the 7th respondent under Panchanama and presently the said pattedar is in actual physical possession of the land. A copy of the report has also been sent to the applicant who has made a complaint, for filing objections, if any. However, there has not been any objection from the applicant for the report dated 25.5.2015 and therefore the report dated 25.5.2015 was accepted and the matter was closed. Therefore, according to the 5th respondent, there is no Kunta or water body in existence in Survey Nos.214 and 213, Kanukunta area of Ramachandrapuram, Medak District as per the revenue records and there are no excavation work taking place and it is not a waterbody.

16. The 6th respondent – Tahsildar, Ramachandrapuram Mandal has filed reply dated 12.11.2016 in the line of reply filed by the Commissioner, GHMC. The Tahsildar has also stated that Survey Nos.213 and 214 are situated in Ramachandrapuram Village and as per Khasra Pahani for the year 1954 – 55 of Ramachandrapuram Village and Mandal the Old Survey No.194 (New S.No.213) measuring Ac. 2.05 gts is classified as Sarkari – Kunta and land in Survey No.195 (New S.No.214) measuring Ac. 0.19 gts is classified as Sarkari – Kharij Khatha. As per Wasool Baqui Register, the old Survey No.194 was re-assigned with New Survey No.213 with an extent of Ac. 1.18 gts classified as Shikam – Sarkari and the Old Survey No.195 is re-assigned as New Survey No.214 in the extent of Ac. 1.02 gts classified as Kharij Khatha – Sarkari. As per the Sesala Pahani for the year 1955 -58 Survey No.213, Ac.1.18 gts is classified as Shikam –Sarkari and Survey No.214, Ac. 1.02 gts is classified as Kharij Khatha – Sarkari. In the Pahani for the year 1966 – 67, Survey No.213/1, Ac. 0.20 gts is recorded as Kanukunta – Shikam and Survey No.213/2, Ac. 0.38 gts is recorded in

the name of G. Seethaiah, as Pattadar. In respect of Survey No.214/1, Ac. 0.04 gts is recorded as Kharij Khatha – Sarkari and Survey No.214/2, Ac. 0.38 gts is recorded in the name of G. Seethaiah, as Pattadar. G. Seethaiah was impleaded in the Faisal Patti for the year 1969 – 70 in respect of Survey No.213/2 to the extent of Ac. 0.38 gts and Survey No.214/2, Ac. 0.38 gts. In the ROR for the year 1989 -90 in respect of Survey no.213/2, Ac. 0.38 gts and Survey No.214/2, Ac. 0.38 gts the name of Bonala Krihna Rao is recorded, deleting the name of G. Seethaiah. Bonala Krihna Rao is recorded as Pattedar in the Pahani for the year 1992 – 93 in respect of Survey No.213/2, Ac. 0.38 gts and Survey No.214/2, Ac. 0.38 gts and continued in the subsequent pahani till date as Pattadar. The details of the entries made in the revenue records are as follows:

Pahani Year	Sy.No.	Extent	Classification	Name of the Pattadar	Remarks
Khasra 1954-55	194 (Old No.of 213)	2.05	Sarkari-Kunta	Sarkari	---
	195 (old No. of 214)	0.19	Sarkari – K.K	Sarkari	---
Sessala 1955-58	213	1.18	Shikam-Sarkari	---	---
	214	1.02	Karij Katha Sarkari	---	---
1965-66	213	1.18	Kunta	Sarkari	
	214	1.02	K.K	Sarkari	
1966-67	213/1	0.20	Kanukunta Shikham		As per faisal patti for the year 1969-70 SriG.Seethaiah name implemented in respect of Sy.No.213/2 Ac 0.38 gts and Sy.No.214/2 Ac 0.38 Gts. The file No. is mentioned as B2/11690/68 dt 02.04.69
	213/2	0.38	Kanukunta Patta	G.Seethaiah	
	214/1	0.04	Karij Katha Sarkari	Karij Katha	
	214/2	0.38	Kanukunta Patta	G.Seethaiah	
ROR 1989-90	213/1	0.20	Kanukunta - Shikam	Sarkari	
	213/2	0.38		Bonala Kishan Rao	

				S/o Koochagiri Rao	
	214/1	0.04	Karij Katha	Sarkari	
	214/2	0.38	Patta	Bonala Kishna Rao S/o Koochagiri Rao	
1991-92	213/1	0.20	Kanukunta Shikam	Sarkari	
	213/2	0.38	Patta	D.Seethaiah	In Possession Bonala Kishan Rao
	214/1	0.04	Karij Katha	Sarkari	
	214/2	0.38	Patta	D.Seethaiah	In Possession Bonala Kishan Rao
1992-93	213/1	0.20	Shikam	Kanukunta	
	213/2	0.38	Patta	Bonala Krishna Rao S/o Koochagiri Rao	
	214/1	0.04	K.K.	Sarkari	
	214/2	0.38	Patta	Bonala Krishna Rao S/o Koochagiri Rao	
2013-14	213/1	0.20	-	Kanukunta	PWD Road
	213/2	0.38	-	Bonala Krishna Rao	
	214/1	0.04	-	Kanukunta	Pipeline
	214/2	0.38	-	Bonala Krishna Rao	

17. It is stated that the files relating to the assignment of land in Survey Nos.213 and 214 of Ramachandrapuram Mandal are not available. It is stated that Bonala Krishna Rao has earlier filed a case in L.G.P.No.1/1994 on the file of District (Special Court) under Land Grabbing (Prohibition) Act, Medak against 90 persons praying for a declaration in respect of Survey Nos.213/2 and 214/2 to an extent of Ac. 1.36 gts situated at Kanukunta and to evict the respondents therein. The Special Judge, Sangareddy has sent the application filed by Bonala Krishna Rao to the Mandal Revenue Officer, Ramachandrapuram to make local inspection and submit a report. Accordingly, the Mandal Revenue Officer has submitted a report on

30.9.1994 to the Special Court and as per the Report it is seen that from Faisal Patti 1965 – 66 of Ramachandrapuram Village, The Tahsildar, Sangareddy has assigned the land Ac. 0.38 gts in Survey No.213 and Ac. 0.38 gts in Survey No.214 situated at Kanukunta, Ramahandrapuram Village to one, Golla Seethaiah, a Political Sufferer on 14.9.1965. The Survey and Land Records has sub-divided the land, issued supplementary Sethwar in favour of Seethaiah as Sy. Nos.213/2 and 214/2. This was noticed on verification of faisal patti for the year 1965 – 66 and his name has been recorded as Pattadar since 1966 -67 till 1991 – 92 in Pahani.

18. The Special court has passed order on 18.4.2001 declaring Bonala Krishna Rao as the owner of Survey Nos.213/2 and 214/2 to an extent of Ac. 1.36 gts situated at Kanukunta Village and he is entitled for eviction and possession, apart from damages. Aggrieved by the order of the Special Court, appeals were filed in L.G.A.Nos.11 and 21 of 2001 and the said appeals were dismissed by order dated 15.7.2002 and directed delivery of possession. As against the said order, the aggrieved parties viz., Yadaiah Goud and 69 others filed W.P.No.11520 of 2003 on the file of High Court of Andhra Pradesh and the said writ petition came to be dismissed on 28.6.2004.

19. Based on the order of the High Court, the Revenue Divisional Officer, Sangareddy issued notices to the occupants under Rule 15(2) of the A.P. Land Grabbing Act. As against the said notices, the aggrieved persons have filed W.P.No.1735 of 2005 which is still pending. As per the order of the High Court, when the occupants have refused to vacate the spot and inspite of it, the Mandal Revenue Inspector had taken possession and intimated the same to Bonala Krishna Rao, who has requested to

remove obstruction to enable him to take physical possession and that was reported to the District Collector. Further, as an alternative measure, the Tahsildar and Revenue Divisional Officer requested the District Collector to provide house sites to the persons who are in occupation of the land and facing eviction. Further, the Revenue Divisional Officer, Sangareddy issued sanction orders to provide house sites to 37 families and to execute the court decree to remove illegal encroachments in Survey No.213/2 and 214/2 of Ramachandrapuram Village and accordingly possession was handed over to Bonala Krishna Rao on 15.4.2008 under proper Panchanama.

20. Therefore, as per the basic revenue record i.e., Khasra Pahani for the year 1954 – 1955 and Sessala Pahani for the year 1955 – 1958, the land in Survey No.213 (Old No.194) and Survey No.214 (Old No.195) situated at Ramachandrapuram Village of Sangareddy District are classified as Sarkari – Kunta and Sarkari – Kharij Khatha respectively. But subsequently, the land to an extent of Ac. 0.38 gts in Survey No.213/2 and Ac.0.38 gts in Survey No.214/2 was assigned to G. Seethaiah. It is stated that the original records relating to the assignment of said land is not available and as such the details as per the file available in the office of Tahsildar are submitted. It is further stated that in the village map of Ramachandrapuram, a waterbody is in existence in Survey No.213. But at present there is no water.

21. The Tahsildar has also filed a status report dated 1.12.2016 as per the direction of this Tribunal dated 16.11.2016 whereby survey numbers were ordered to be indicated as to demarcate the area.

Accordingly the Tahsildar has certified on 28.11.2016 and stated as follows:

“It is respectively submitted that, the total extent of land in Sy.No.213 is Ac 1.18 Gts which is classified as Sarkari-Kunta. As per the revenue record the land to an extent of Ac 0.20 Gts. In Sy.No.213/1 is recorded as “Kanukunta” in pattdar column and in possession column recorded as “PWD Road” and an extent of Ac. 0.38 Gts. In Sy.No.213/2 is recorded in the name of Sri Bonala Krishna Rao S/o Koochagiri Rao.

As per the Survey, the land to an extent of Ac. 0.38 Gts. In Sy.No.213/2 and an extent of Ac 0.05 Gt in Sy.No.213/1 falls vacant/open land. An extent of Ac 0.15 Gts. In Sy.No.213/1 is covered by the National Highway.

Further it is respectfully submittd that, as per the revenue record, the total extent of land in Sy.No.214 is Ac. 1.02 Gts which is classified as “Sarkari-Karij Katha”. In the revenue record the land to an extent of Ac 0.04 Gts in Sy.No.214/1 is recorded as “Kanukunta” in Pattadar column and in possession recorded as “Pipe line. An extent of Ac 0.38 Gts land in Sy.No.214/2 is recorded in the name of Sri Bonala Krishna Rao.

As per the survey, the land to an extent of Ac 0.04 Gts in Sy.No.214/1 and Ac 0.04 Gts in Sy.No.214/2 is covered by Road (National Highway). An extent of Ac 0.32 $\frac{3}{4}$ Gts land is kept vacant/ open land in Sy.No.214/2. One RCC building of G+2 floors is constructed in an extent of Ac 0.01 Gts in Sy.No.214/2 and one Tin shed is constructed in an extent of Ac 0.0001/4 Gts of land in Sy.No.214/2.

A location sketch map showing the status of the land in Sy.No.213 and 214 is submitted for kind perusal.”

22. The 7th respondent – Bonala Krishna Rao in his reply dated 30.9.2016, while denying all the allegations contained in the application and stating that the application is malicious and misconceived with an intention of coercing the 7th respondent, has submitted that the application has been filed with suppression of material facts, especially when the property has changed to various hands in the last six decades from 1965 onwards. It is stated that the land in Survey Nos.213 and 214 of Kanukunta Village, Hamlet of Ramachandrapuram is a government land. One, Golla Seethaiah, a Freedom Fighter applied for assignment of land. The Tahsildar, Sangaredy in the proceedings dated 18.11.1965 has assigned 0.38 gts out of Survey No.213 and 0.38 gts out of Survey No.214 to Golla Seethaiah. The assigned lands were sub-divided as Survey Nos.213/2 and

214/2. After obtaining necessary permission from the Tahsildar, Sangareddy on 2.4.1969 Golla Seethaiah sold the land to one, Gundam Veeraiah, the then MLA of Narsapur on 17.12.1969. The said Gundam Veeraiah executed an agreement of sale on 11.4.1974 in favour of one, T. Prakash Rao and delivered possession to him. The said Prakash Rao is the co-brother of the 7th respondent. Ultimately, Gundam Veeraiah sold directly the application land of 1.36 gts in Survey No 213/2 and 214/2 by a registered sale deed dated 23.9.1983 to the 7th respondent.

23. In the meanwhile, one, Balaiah, along with others attempted to trespass and grab the land, claiming the land as part of Survey No.213/7 and started to erect huts. The 7th respondent has immediately complained to the Grama Panchayat and by an order dated 21.10.1983 the Panchayat directed Balaiah and others not to raise any construction and also to remove the constructions already raised which are unlawful. After considering the documents produced by the 7th respondent, the Executive Officer of the Grama Panchayat addressed to the Police to stop illegal construction and in the correspondence with the Police, the Tahsildar, Sangareddy in his letter dated 12.4.1984 has stated that part of Survey Nos.213/2 and 214/2 belongs to the 7th respondent. In the mean time, the said Balaiah filed W.P.No.12556 of 1983 in the High Court of Andhra Pradesh against the order of the Grama Panchayat. Eventhough there was initially an order of interim stay, ultimately the writ petition was disposed of on 9.10.1987 stating that the writ petitioner can file objection before the Grama Panhayat instead of approaching the High Court and directed the Grama Panchayat to consider the request seeking permission to construct.

24. It is stated that by virtue of the interim order of the High Court several people started grabbing the land and raising illegal constructions. Against all of them, the 7th respondent has initiated proceedings under the Land Grabbing (Prevention) Act and before the Special Judge, Medak, Sangareddy. The Special Court has decreed the suit on 18.4.2001 declaring the 7th respondent as lawful owner entitled for possession. It was against the order of the Special Court, appeals were filed before the State Special Court under the Land Grabbing (Prohibition) Act and the Appeal No.11 of 2001 was dismissed on 15.7.2002 based on the report of the Commission headed by a Retired High Court Judge, Justice Shri P.L.N. Sarma and Sri B. Krishna Murthy, Judicial Member and Sri R. Hirudaya Ranjan, I.A.S as Revenue Member. Again W.P.No.1152 of 2003 was filed and the Division Bench of the High Court dismissed the same on 6.6.2004. As against the judgment, the appeal filed before the Hon'ble Supreme Court in S.L.A.(Civil).No.18698 of 2004 was also dismissed in *limine* as devoid of merit. It is stated that the 7th respondent has initiated execution proceeding in the original court of first instance and an order was passed for granting possession on 15.4.2008 and 7th respondent was put in possession.

25. The land involved in the said complaint was entrusted by the 7th respondent to several developers under lawful agreement and the developers have obtained necessary permissions and sanctions from various authorities. All these facts were suppressed by the applicant who makes himself as Convenor of NGO, initiated a fresh case before the State Lok Ayuktha on 5.6.2013 by suppressing the material facts. It is stated that the complaint was lodged against the three persons and after receiving response, the Lok Ayuktha sent copy to the District Collector and the

applicant for their response and as no response has come from the applicant, the Lok Ayuktha has passed an order on 22.9.2015, accepting the Collector's report and closed the complaint.

26. After closure of the complaint by the Lok Ayuktha, the applicant has initiated fresh complaint by addressing letters to the Hon'ble Chief Minister for stopping illegal construction on the same lands at Kanukunta and thereafter he has filed the present application on 6.5.2016. Therefore, it is the case of the 7th respondent that he cannot be held as land grabber or encroacher, who, through a series of legal proceedings in all these six decades established his right over the property and obtained possession and it is certainly not open to the applicant to say that he (7th respondent) is an encroacher on the water body.

27. The 7th respondent has also filed an additional reply dated 22.2.2017 in which he has repudiated various claims made by the applicant under various rules, particularly A.P (T.A) Land Revenue Act, 1317 and G.O.Ms.No.157 dated 6.4.2010, G.O.Ms.No.33 dated 24.1.2013. In this regard, the 7th respondent has stated that in the Khasra Pahani for the year 1954 – 55 the village map shows a waterbody that was in existence in Survey Nos.213 and 214 of Kanukunta of Ramachandrapuram Village. The assignment was made in the year 1964 and on the date of assignment there was no kunta (small pond) in existence. Even though there could have been kunta long prior to 1964, due to developments such as establishment of BHEL and huge township in Ramachandrapuram area Kunta ceased to exist as there was no source of water flowing into the kunta. Therefore, the revenue authorities have changed the classification of land into Sarkari Khareej Khatha which means, the land on which no

assessment is fixed. When the land is the government land and removed from the category of tank bed and no assessment will be made unless it is assigned as patta land in favour of any citizen. Therefore, the nature of land in Survey Nos.213 and 214 was converted into Sarkari Khareej Khata long back and assessment was made in favour of Seethaiah as early as in the year 1964. Therefore, according to the 7th respondent, there is no waterbody in existence for the past 52 years. The applicant has got a hidden agenda to blackmail the 7th respondent. If the tank bed is in existence, the government would not have assigned the land in favour of Freedom Fighter. Therefore, Rules 27 and 30 of the Land Revenue Rules have no application on the facts of the present case. It is stated that as per the village map, the land in Survey Nos.213 and 214 exists between two roads i.e., National Highway and another road and in fact one road is partly going through Survey No.213 and 214. Therefore, it cannot be said as waterbody.

28. The 7th respondent has also filed Board's Standing Orders which explain the procedure for the purpose of disposal of tank bed lands and the judgment rendered by the Special Tribunal under the Land Grabbing (Prohibition) Act, 1982 is pending and therefore the historical events in respect of the land as stated by Tahsildar as well as several authorities go to show that there is no waterbody in existence as on date and the 7th respondent's right over the property has been confirmed by judicial forums.

29. The 8th respondent in his reply dated 21.12.2016 has stated that when the complaints made by the applicant in various forums, including Lok Ayuktha failed, the applicant has chosen to approach this Tribunal which amounts to indulge in forum shopping. It is stated that the 8th

respondent has become the absolute owner in respect of total extent of land measuring 332 sq.yd, (277 sq.m) comprised in Survey No.214/2 situated in Kanukunta, Ramachandrapuram obtained by way of Exchange Deed dated 30.10.2014 registered as Document No.13896/2014 before the Joint Sub Registrar, Sangareddy. The document which is standing in the name of the 7th respondent confirms that it is not a waterbody and it is a private land, lawfully owned and possessed by the 7th respondent having been transferred to the 8th respondent. There is no environmental issue involved in this case and therefore this Tribunal has no jurisdiction. The factual assertions made by the applicant is denied as suppression of material facts and specifically stated that Survey No.214/2 is a private property belonging to the 8th respondent. The details of sub-division made in respect of Survey Nos.213 and 214 in the years 1969 -70 and 1985 – 86 and a portion of the property purchased by the 8th respondent in Survey No.214/2 have been deliberately suppressed. It is stated by the 8th respondent that it is not a waterbody and no damage is being caused. It is further stated that application is filed with surmises and presumptions. The order of the Lok Ayuktha in dismissing the complaint shows very clearly the intention of the applicant. Therefore, the 8th respondent prays for dismissal of the application.

30. Likewise, the 9th respondent in his reply dated 21.12.2016 while reiterating that the Lok Ayuktha has already rejected the complaint of the applicant, has stated that an extent of 100 sq. yards (83.61 sq.m) comprised in Survey No.214/2 situated at Kanukunta, Ramachandrapuram Village has been transferred to the 9th respondent under a registered exchange deed dated 18.6.2015, registered as Document No.10633 of 2015 on the file of Joint Sub-Registrar, Sangareddy. The 9th respondent

has also filed reply on the lines of the 8th respondent and reiterate that it is not a waterbody and the application is liable to be dismissed.

31. Mr. Thakur Rajkumar Singh, the applicant, being the Chairman of the Human Right and Consumer Protection Cell Trust has contended that when admittedly the original land covered in Survey Nos.213 and 214 was a waterbody and in fact it forms part of the buffer zone, the assignment given to the Freedom Fighter is only for the purpose of using the land for agricultural purposes during certain seasons and in such circumstances, the sale under which the 7th respondent claims right from the original assignee, cannot confer any right on the 7th respondent to use the land, obstructing water flow. Therefore, the other respondents, particularly, the 9th respondent who claims to have purchased from the 7th respondent, has no right to put up construction in the buffer zone of the waterbody. The mere fact that subsequently the ownership of the land has changed to various persons, will not alter the nature of the land. According to him, Kanukunta means waterbody. In the circumstance when the HMDA and Lake Protection Committee have not given any permission to the private respondents to put up any construction, it is certainly not open to them to raise any construction. The Lake Protection Committee ought to have investigated the complaint properly since it is this committee which has to safeguard waterbodies. He also submitted that the Tahsildar, the 6th respondent in his reply has admitted that in the year 1965 – 66 Survey No.213 is shown as 'Sarkari' which means, according to him, the government land and waterbody. It is his further submission that the extent of waterbody got reduced in course of time, as it is seen increase in the extent of land and therefore it has to be held that by encroachment, the private respondents have reduced the width of the waterbody. The open

statement of Tahsildar that the documents are not available for verification is not a ground for the purpose of giving a go by to the nature of the land. He has also referred to an affidavit filed by the Special Secretary to the Government, Municipal Administration and Urban Development, Government of Telangana in Application No.120 of 2015 before this Tribunal wherein it is clearly referred that the total extent of 17.18 gts situated in Ameenpur Village, Patancheru Mandal, Medak District is classified as Kunta named as Patelguda Kunta and in pattadar column it is recorded as 'Poramboke Sarkari' and in the village map it is mentioned as Shetty Kunta Shikam and there has been manipulation of record by the officials against whom action has been taken. He has also questioned the veracity of the documents filed and relied upon by the 7th respondent. He has also pointed out that no one has filed patta certificate relating to Survey No.213. The creation of new word meaning Kanu Kunta as village/hamlet is totally false and as per the records of the government Kunta is always known as waterbody. Out of 299 waterbodies 138 are named as 'Cheruvu' and 261 are named as 'Kunta' and that is available in the revenue records. According to him, the said water bodies are source of irrigation and therefore the tank bed cannot be assigned and surprisingly Kanukunta is said to have been assigned in favour of G. Seetaiah. He has also taken us to the revenue records and maps to show that Kunta is meant as pond and therefore the applicant is entitled to maintain the prayer for the purpose of removal of encroachment.

32. Per contra, it is the contention of Mr. Ramaiah, learned counsel appearing for the respondents 7 to 9 that while it is true that the term Kunta may refer to small pond while Cheruvu relates to larger waterbody. But the term Kanukunta is used only to refer to the village. It is his submission

that the applicant, having not chosen to challenge any of the permissions granted or G.O.120 dated 2.12.2010, is not entitled to raise the plea which is only a tactics for the purpose of dragging on the matter under one pretext or the other and keeping the private respondents under threat. He has also referred to various proceedings under the Land Grabbing Act, apart from the order of Lok Ayuktha to show that the same issue which has been raised before various authorities have attained finality and after the Lok Ayuktha, the applicant has approached this Tribunal under the garb of environmental issue and according to him, the conduct of the applicant is an abuse of process of law and the same has to be to put an end.

33. The learned counsel appearing for the Government of Telangana as well as 5th respondent would submit that in respect of Survey No.214/2 building permission has been granted to the 9th respondent on 7.4.2015 and that has not been challenged in the manner known to law. He has also referred to the Town Survey Records to show that the said survey numbers are the government lands and there is no bar for the government to assign to any person based on their status and contribution to the Country or State. After the interim order was passed by this Tribunal no further proceedings have been proceeded with. It is stated that after the Lok Ayuktha passed orders on 22.9.2015 and possession has been handed over to the 7th respondent under the cover of Panchanama and the copy of the report having been sent to the applicant herein, he has not chosen to raise any objection thereof and also to the report of the District Collector dated 25.5.2015 which was accepted and the matter was closed. According to the learned counsel, as per the report, as on date there is no Kunta or waterbody in Survey Nos.213 and 214.

34. After hearing the learned counsel appearing for the respondents as well as the applicant who appeared in person, referring to various documents filed, including pleadings, the only issue to be decided is as to whether there can be a direction to the 5th respondent – Commissioner of GHMC to remove the illegal and unauthorised construction in Kanukunta FTL, particularly Survey Nos.213 and 214.

DISCUSSION AND CONCLUSION:

35. The prayer of the applicant, as elicited in this order, is wide enough to cover removal of all illegal and unauthorised constructions in Kanukunta FTL and buffer zone and restore it to its Full Tank Level (FTL) including clearing its inflow and outflow nalas and fencing the same. Irrespective of the fact as to whether Kanukunta referred to a Village or to waterbody, there is no doubt that any unauthorised construction either in the waterbody or buffer zone area of waterbody has to be prevented to ensure free flow of water. Again, there can be no objection by any one for the purpose of clearing inflow and outflow nalas. It is these waterbodies or nalas which are facilitating the movement of water in a free manner so as to enable the ground water to be recharged and provide water for the people in all seasons for drinking and irrigation purposes. Since water is the basic requirement of human beings, animals and plants, it is necessary to preserve the water bodies at all costs, particularly in the context of fast development and rapid urbanisation and in fact for that purpose the 3rd respondent – Lake Protection Committee was constituted as per the direction of the Hon'ble High court of Andhra Pradesh and in fact one of the major functions of the Lake Protection Committee is to identify all lakes along with FTL in HMDA area, continue to do desilting of such lakes, apart

from removal of encroachments. It is stated that in fact the 3rd respondent has identified large number of lakes in HMDA area.

36. But in so far as it relates to Survey Nos.213 and 214 of Kanukunta Village, Ramachandrapuram Mandal, Sangareddy District, Telangana State, as seen in the records filed by both parties, there appears to be a long historical background and there are many decisions of judicial forums. Survey Nos.213 and 214 of Kanukunta as it is seen in the proceedings of the Mandal Revenue Officer, Ramachandrapuram dated 30.9.1994 was originally in Old Survey No.194 Kunta and Old Survey No.195 Kharij Khata, respectively. As per the Khasra Pahani of 1954 – 1955 that appears to be the position. In 1954 -1955 Survey No.213 was in the extent of Ac.2.05 gts and classified as Sarkari Kunta and Survey No.214 to an extent of 0.19 gts as Sarkari Kharij Khatha, both being government lands. However, the revenue records of Pahani for the years 1955 – 1958 show Survey No.213 in the reduced extent of ac. 1.18 gts with classification Shikam – Sarkari and Survey No.214 in the larger extent of ac 1.02 gts with classification Kharij Khatha Sarkari. Even in the revenue records in the Pahani year 1965 – 1966 Survey Nos.213 and 214 are shown in the extent of ac1.18 gts and ac 1.02 gts, in the classification Kunta Sarkari respectively showing the name of pattedar as Sarkari in respect of both survey numbers. The above referred letter of the Mandal Revenue Officer, Ramachandrapuram dated 30.9.1994 states that in Faisal Patti 1965 – 1966 of Ramachandrapuram ac.0.38 gts land in Survey Nos.213 and ac 0.38 gts of land in Survey No.214 stated to be situated at Kanukunta was assigned to one, Golla Seethaiah, a Political Sufferer under the proceedings of Tahsildar dated 14.9.1965 and 18.11.1965.

37. However, the revenue record shows that in the year 1966 – 1967 Survey No.213 came to be sub divided into Survey No.213/1 in the extent of ac 0.20 gts and 213/2 in the extent of ac 0.38 gts and this is shown in the classification as Kanukunta – patta and the name of pattedar as stated in the revenue records is G. Seethaiah. Likewise, Survey No.214 also appears to be sub-divided into 214/1 and 214/2 with an extent of ac 0.04 gts and ac 0.38 gts respectively and Survey No.214/2 in the extent of ac 0.38 gts is shown in the classification as Kanukunta – Patta in the name of G. Seethaiah, as Pattedar

38. Therefore, it is clear that from 1966 – 1967 onwards ac 0.38 gts in Survey No.213/2 and ac 0.38 gts in Survey No.214/2 stood in the name of the assignee G. Seethaiah in the classification of Kanukunta – Patta. From the year 1985 – 1986, it is stated that the above said survey numbers to an extent of ac 0.38 gts in both the cases entries were made in the name of Bonala Kishan Rao who is the 7th respondent in this application. The Mandal Revenue Officer, Ramachandrapuram in the proceedings dated 30.9.1994 states that his name is recorded as occupant and that is continued upto 1991 – 1992 and that is also seen in the extract of revenue records filed by the Tahsildar.

39. It is also stated in the said proceedings of the Mandal Revenue Officer, Ramachandrapuram that on his inspection of the land on 26.5.1994 it was found that the spot is located in between the existing old road leading towards Hyderabad and presently National Highway and there are houses constructed with R.C.C asbestos sheets and some of them are shopping complexes. The enquiry revealed that these houses were constructed 8 to 10 years before. Eventhough the Executive Officer of the

Grama Panchayat in his letter dated 24.6.1994 has stated that the houses were constructed since 7 years back and registered during 1991 – 92 with the Grama Panchayat, the letter also shows various houses in existence along the National Highway. It further states that as per Section 3 of the A.P Assignment of Land (Prohibition of Transfer) Act, 1977, the assigned lands are prohibited to be transferred. In the revenue records produced by the Tahsildar in the entry till the year 2013 – 14 the name of the Pattadar is continued to be shown as Bonala Kishan Rao and the extent of ac 0.20 gts in S.No.213/1 and extent of ac 0.04 gts in S.No.214/1 are shown as Kanukunta – Patta stating that “PWD Road” and “pipeline” respectively.

40. Therefore, from the records available, it is clear that after G. Seethaiah's possession in 1965 – 1966 it was transferred to the 7th respondent after 1985 – 1986 and he is stated to be in possession. The Government of Andhra Pradesh in G.O.Ms.No.288 Municipal administration & Urban development (II) Department dated 3.4.2008 has made modification to the Master Plan of HUDA area. Annexure I of the said G.O approves the revised master plan comprising 18 zonal schemes which include Land Use Zone Regulation also. Under the Land Use Zone Regulation, the following are incorporated under the caption waterbodies:

WATER BODIES:

“Water Bodies Zone generally indicates all existing water bodies, rivers, streams, lakes, tanks and kuntas as indicated in the topographical sheets published by the Survey of India, the State Irrigation Department or revenue or other competent authorities. The boundary of the water bodies relate to the Full Tank Level as indicated in relevant maps, covering both perennial and non perennial parts when such distinction exists.

In Water Body Zone no construction is permitted in the water-spread and the buffer belt of minimum 30 meters around the FTL. The only exception is fishing, boating, and picnics along the banks provided that only construction allowed is open to sky jetties for boating, platforms for fishing and rain shelters and snack bars each not exceeding 10 sq.m. in area and not exceeding four in numbers around one water body.”

41. The modifications are referred to in annexure II, eventhough Survey Nos.213 and 214 Ramachandrapuram Village are not forming part of Annexure II. Towards the end of the GO, it is referred that as per the revenue records if any tanks/waterbodies/nalas are located in the said survey numbers contained in Annexure II, the same shall be retained. The portion of the said G.O reads as follows:

“ As per the revenue records if any tanks/ water bodies/ nalas are located in the above Sy.Nos. same shall be retained as it is and required buffer zone as per extant rules shall be provided all along such tanks/water bodies/ nalas.”

Therefore, while the government granted approval for revision of Master Plan it has taken sufficient care to see that waterbodies are retained.

42. The 7th respondent who is stated to have purchased the site from the assignee Golla Seethaiah under the sale deed dated 23.9.1983, has filed an application in Land Grabbing Case No.1 of 1994 in the court of the District Judge (Special Court) under A.P. Land Grabbing (Prohibition) Act, Medak at Sangareddy against 90 persons under Section 7(A) 1 of the said Act, to declare his title in respect of Survey Nos.213/2 and 214/2 to a total extent of 1 acre 36 guntas situated in Kanukunta and evict the respondents from illegal possession and deliver the possession to him and also for *mesne profits* till the date of redelivery. A reference to the detailed judgment passed by the learned District Judge in the above said proceedings shows that the said assigned lands of 38 gts, each in Survey Nos.213/2 and 214/2 to a total extent of 1 acre 36 guntas was sold by the assignee Golla Seethaiah to one, Gundam Veeraiah on 17.12.1969 after obtaining permission from the Tahsildar, Sangareddy. The said Gundam Veeraiah is stated to have executed sale deed in favour of the 7th respondent on 23.9.1983. However, the 7th respondent was stated to be in

possession from 30.1.1975 based on an agreement of sale deed executed by Veeraiah on 11.4.1974 in favour of one, T Prakash Rao, who is none else than the co-brother of the 7th respondent and who also took possession from whom the 7th respondent is stated to have taken possession from the said date namely 30.1.1975. The permission granted by the Tahsildar to Golla Seethiah to sell the site is not in question in any proceedings.

43. The respondents who are stated to be in possession have raised a specific plea before the learned District Judge that after BHEL was established in Ramachandrapuram in 1964, the respondents and their forefathers came to Kanukunta near Ramachandrapuram and occupied the lands which are stated to be in their occupation from 1965. The judgment also refers to the evidence of the 7th respondent as P.W1 wherein he has stated that Survey Nos.213/2 and 214/2 are situated in Kanukunta Hamlet of Ramachandrapuram Village. While deciding about the issue whether the 7th respondent was entitled to the said land, the learned District Judge has observed that the land of the respondents in Survey Nos.213/2 and 214/2 is situated in Kanukunta Village and are agricultural lands and they are in possession from 1965 and therefore 1982 Act has no application. After elaborately discussing about the assignment and subsequent transfer and appreciation of evidence, the learned District Judge in his judgment dated 18.4.2001 has held that the 7th respondent is entitled to suit land and it was further held that the land assigned to the Political Sufferer viz, Golla Seethiah is a valid assignment. It was further held that the respondents in the said case have not proved that they have perfected title by adverse possession, apart from holding that they are land grabbers. However, the claim of *mesne profits* has been rejected.

Therefore, there is no scope to hold that respondents 7 to 9 are land grabbers, particularly after the judgment by the Special Court.

44. Challenging the judgment passed in L.G.B.1 of 1994 the respondents therein have filed Writ Petition in WP.No.1152 of 2003 which came to be dismissed by the Division Bench of the High court of Andhra Pradesh on 6.6.2004 by confirming the judgment of the learned District Judge. In fact, as it was done by the learned District, the Division Bench of the Hon'ble High Court of Andhra Pradesh has also referred to the report of the Mandal Revenue Officer, marked as Ex.X1, the contents of which we have already referred to in this order. The Special Leave to Appeal filed against the judgment of the Division Bench came to be dismissed by the Hon'ble Supreme Court on 20.9.2004 in the Special Leave to Appeal (Civil) No.18698 of 2004 and therefore the judgment of the learned District Judge dated 18.4.2001 passed in L.G.P.No.1 of 1994 and the findings given therein have become final.

45. There is also record to show that the applicant before us has raised a complaint before the Hon'ble Lok Ayuktha for the State of Andhra Pradesh and Telangana at Hyderabad alleging that the Tahsildar is not taking any action to prevent encroachments at Kanukunta waterbody comprised in Survey Nos.213 and 214 Ramachandrapuram Village and Mandal, Medak District. The District Collector has filed a report on 25.5.2015 stating that encroachments have already been evicted pursuant to the judgment rendered by the Special Court of District Judge under Andhra Pradesh Land Grabbing (Prohibition) Act, Medak District at Sangareddy which has become final by virtue of the confirmation by the Hon'ble Supreme court and possession has been handed over to Bonala

Kishan Rao who is a Pattedar under the cover of Panchanama and the said Pattedar is in actual physical possession of the land. It is further stated that copy of the report of the District Collector was sent to the applicant herein who has not chosen to file any objection and therefore in the order dated 22.9.2015, by accepting the District Collector's Report dated 25.5.2015 the case filed by the applicant before the Hon'ble Lok Ayukta came to be closed.

46. In the light of the above said judicial proceedings, this Tribunal is unable to give any direction to the 7th respondent whose right in respect of Survey Nos.213/2 and 214/2 in the total extent of 1 acre 36 gts in Kanukunta, Ramachandrapuram Village, Sangareddy has been finally established. It is further relevant to note that the applicant in his application has specifically stated that the 5th respondent has granted building permission to the 9th respondent in the above said land on 26.11.2015. Admittedly, the applicant has not taken any action challenging the said building permission in accordance with law. In such circumstances, we are of the considered view that it may not be possible for this Tribunal to give any direction in so far as it relates to Survey Nos.213/2 and 214/2 to the extent of 0.38 gts each viz., total extent of 1 acre 36 gts. It is for the applicant to work out his remedy in the manner known to law as against the building permission. Accordingly the application in so far as it relates to the above said aspect is concerned stands dismissed.

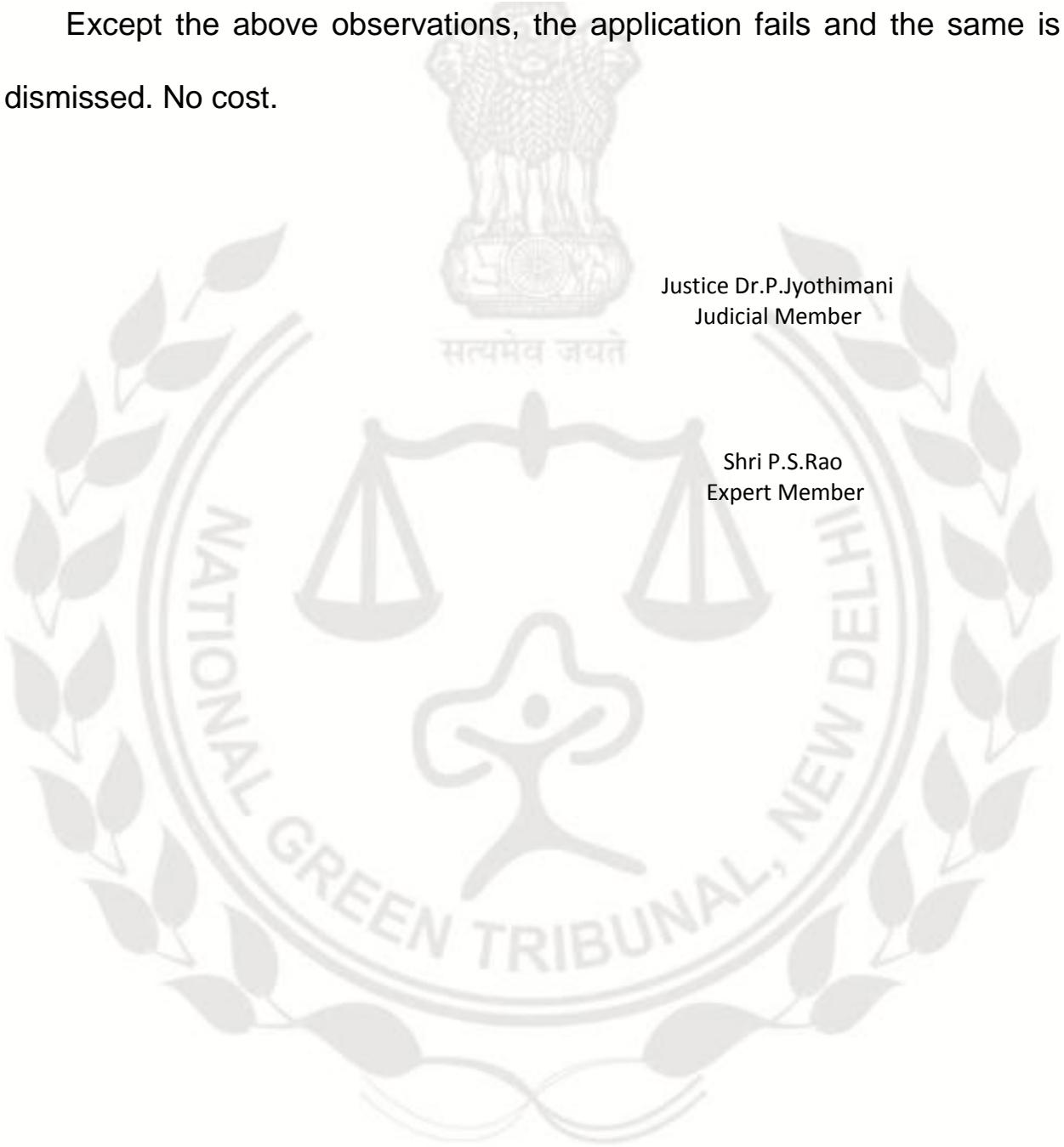
47. While parting with, it is pertinent to state that there are records to show that the Cheruvus, Kuntas or any other water bodies including ponds etc. are being enumerated by the 5th respondent with the help of the 3rd respondent, as per the direction of the Hon'ble High court. It is after

finalisation of the said list and obtaining approval as per law from the authorities competent it is for the 3rd respondent to take appropriate action in protecting all the water bodies not only by way of periodical desilting and maintaining nalas/channels, creating awareness for their protection, taking steps in accordance with law for the purpose of remediation, demarcating the lakes and tanks upto FTL by raising bunds and also preventing them from future encroachment. We are of the view that while the 3rd respondent performs such functions which is for the maintenance of water bodies within the jurisdiction of the 5th respondent, all other authorities including the 2nd respondent as well as the planning authorities beside the Tahsildar and District Collector shall make coordinated efforts for the purpose of completing the process. If there are no coordinated efforts among the concerned departments, there will be a possibility of passing overlapping orders by which third party interest may be created in which event it will be difficult for any authority for that matter to achieve the main goal of protecting the water bodies.

48. In this context it is appropriate to mention here the recent orders of Hon'ble Supreme Court dated 8th Feb. 2017 in WP(s) (C) No.(s) 230 of 2001 wherein the Hon'ble Apex Court, considering the significance of the wetlands which include water bodies and which provide enormous ecological services and environmental benefits, directed the Union of India to inventorize about 2 lakh and odd wetlands in the country with the assistance of the State governments and bring them under the Wetlands (Conservation and Management) Rules notified under the Environment (Protection) Act, 1986 for their effective protection. Therefore, the 1st respondent State of Telangana shall ensure that the list of all the water bodies qualified to be brought under the Wetlands (Conservation and

Management) Rules is finalised and appropriate action taken to preserve them by including them in the Wetlands (Conservation and Management) Rules.

Except the above observations, the application fails and the same is dismissed. No cost.



Justice Dr.P.Jyothimani
Judicial Member

Shri P.S.Rao
Expert Member

NGT