

Item No.1:-

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

Wednesday, the 28th day of January, 2026.

[Through Physical Hearing (Hybrid Option)]

Original Application No.36 of 2023 (SZ)

IN THE MATTER OF

JAGAN KUMAR. J

S/o. Jayaraman K,
Aged about 41 years,
D-207, S.S Snow Drop
Belathur - Medahalli Main Road
Kumbena Agrahara, Kadugodi Post,
Bengaluru - 560 067.

...Applicant(s)

Versus

1) THE DEPUTY COMMISSIONER

Bengaluru Urban District,
D.C. Office Building
Behind Kandaya Bhavan,
K.G. Road, Bengaluru - 560 009.

2) THE CHIEF EXECUTIVE OFFICER

Karnataka Tank Conservation & Development
Authority,
Ground Floor, Beeja Bhavan, Bellary Road,
Hebbal, Bengaluru - 560 024.

3) THE COMMISSIONER

BBMP, Hudson Circle,
N.R. Square, Bengaluru - 560 002.

4) THE ASSISTANT EXECUTIVE ENGINEER

BBMP, Belathur & Kadugodi Ward
Mahadevapura BBMP Office
Whitefield Main Rd,
Opposite Phoenix Marketcity,
Mahadevapura,
Bengaluru - 560 048.

5) THE CHAIRMAN

Karnataka State Pollution Control Board
Parisara Bhavan,
No.49, Church Street,
Bengaluru - 560 001.

6) THE ENVIRONMENTAL OFFICER

Bengaluru East R.O.
Karnataka State Pollution Control Board
Bengaluru East, Nisarga Bhavan,
Thimmaiah Road, Bengaluru - 560 010.

7) THE MANAGER

M/s. Bhoo Developers
Bhoo Sai Charana Villa Plots
Sy. No.11, Belathur Village
Jeevan Exotica Road,
Near Jeevans Exotica Apartments,
Belathur, Kadugodi Post,
Bengaluru – 560 067.

8) BANGALORE DEVELOPMENT AUTHORITY

Rep. by its Chairman,
Kumara Park West,
T. Chowdaiah Road,
Bengaluru – 560 020.

*(R8 – Suo Motu impleaded as per Order
dt.13.09.2024)*

...Respondent(s)

For Applicant(s): M/s. Raj Kumar. V.C, Saravana Kumar. V
& Ganesh. R.

For Respondent(s): Mr. Rajat Jonathan Shaw represented
Mr. K.M. Darpan for R1 to R3 & R8.
Mr. T.V. Sekar for R4.
Mr. M.R. Gokul Krishnan for R5 & R6.
M/s. S. Saravanan,
P. Kokila, B. Girija & E. Karthikeyan for R7.

Judgement Reserved on: 09th January, 2026.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. PRASHANT GARGAVA, EXPERT MEMBER

J U D G M E N T

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. Alleging encroachment on the water body, the above-captioned Original Application was initially filed by the Applicant, who appeared in person for some time and thereafter, engaged a counsel to present the case on his behalf.

2. It is alleged that in Sy. No.11 of Belathur Village and in Sy. No.299 of Kadugodi Village of Bidarahalli Hobli, Bengaluru East Taluk, residential layouts, villa plots and road being developed in the name of '**Bhoo Sai Charana**' by M/s. Bhoo Developers, by encroaching and blocking the Stream/ Rajakaluve/ Waterbody and its Buffer Zone.

3. It is further alleged that M/s. Bhoo Developers (Respondent No.7), who is the Project Proponent, had encroached and closed the secondary stormwater drain, which was flowing diagonally in the southwest of Sy. No.11 and encroached on part of its stream and buffer. There is a further encroachment of the stormwater drain, which was flowing diagonally west to east on the northern site of Sy. No.299 of Kadugodi Village and also formed a road to the residential/villa plots.

4. The construction of an unfinished road approximately 30 feet x 500 Meters length to the 7th Respondent project, encroaching on the water stream, is in violation of the environmental laws.

5. According to the applicant, several representations have been made to the official respondents, but no action has been taken. Hence, seeking a direction to the respondent authorities to stop the ongoing construction activities on the water body and its buffer zone and to maintain the stream/ nallah/ waterbody and its buffer zone from encroachment, the above Original Application has been filed.

6. After notice, the **Bruhat Bengaluru Mahanagara Palike (BBMP)**, which is the **3rd and 4th Respondents**, filed a response stating that the 7th Respondent had not formed any road on the buffer zone of Sy. No.7, which is 25 meters from the centre of the drain and Sy. No.299 of Kadugodi Village, as per the revenue sketch, which is only 0.01 Guntas of Karabh connecting the nallah. The BBMP has stated that the road was formed before the 7th Respondent had formed the layout in Sy. No.299/11. Few apartments have been constructed and the buffer zone for these apartments has not been fixed, because they have come into

existence before the order of this Tribunal declaring buffer areas for stormwater drains and nallahs.

7. The **Karnataka State Pollution Control Board**, in its **report dated 31.12.2024**, has stated that the Board has not granted any consent to the 7th Respondent for the residential township and development project. The township and development area is less than 10 Acres and that does not come under the purview of the consent mechanism. The Karnataka SPCB also referred to the Gazette Notification dated 19.01.2016 and subsequent notification dated 12.03.2024, stating that the township and area development projects with an area of 10 Acres and above shall install a Sewage Treatment Plant (STP). Since this project is less than 10 Acres, it does not come under the purview of the Karnataka SPCB, as there is no STP requirement.

8. The **Bangalore Development Authority (BDA)**, in its **report dated 18.08.2025**, has stated that there is no encroachment into the buffer zone of the water body by the Project Proponent. However, it is noted that there is a temple present in the buffer zone of the water body, which is unauthorized and has to be removed as per Rule 4.12.2 (ii) of the Zoning Regulations. Since the temple comes within the jurisdiction of the BBMP, the BBMP has to carry out the removal of the temple.

9. The **Project Proponent (Respondent No.7)**, namely **M/s. Bhoo Developers**, in his statement of objection, has stated that while forming the residential layout, they have not encroached any stream or stormwater drain or any road, as shown in the master plan. Though it is admitted that the Project Proponent had developed the residential layout in Sy. No.11 of Belathur Village and in Sy. No.299 of Kadugodi Village of Bidarahalli Hobli, they have not encroached any existing stream/ stormwater drain/ roads or any other public property. It is further stated that they had not encroached on any portion of land or public property as per the revenue survey records. The Superintendent of Police, BBMP, after spot inspection, had made a statement that this respondent (Project Proponent) had not encroached any of the public properties, much less a water body.

10. Heard the learned counsels and also perused the materials available on record.

11. Whether the allegation of encroachment averred in the Original Application is true.

12. The Superintendent of Police, Bengaluru Metropolitan Task Force, in his letter dated 21.01.2023, has stated that, as per the complaint, a mega channel and buffer zone in Sy. Nos.7 and 11 of the Belathur Village, Bidarahalli Hobli, has been encroached. Further, without obtaining permission from the concerned authorities, an unauthorized layout has been formed. Therefore, a complaint has been given to take action. In this regard, after perusing the records based on the complaint, concerning Sy. No.299 of Kadugodi Village and Sy. Nos.7 and 11 of Belathur Village, it is found that there are no encroachments and the complaint was closed accordingly.

13. The Karnataka SPCB, in its report, has stated that the 7th Respondent/Project Proponent's layout has obtained a temporary power connection from the BESCOM Department. The said layout stands in the name of '*Bhoo Sai Charana*', which has developed on the land bearing Sy. Nos.11/4B, 11/5, 11/3, 12 and 299. The said layout consists of 150 Nos. of sites in different sizes and all the sites are sold out. However, it is noted that the said layout plan has not got any approval from the competent authority. The Rajakaluve is passing adjacent to the layout and there is no Dakshina Pinakini River flowing adjacent to M/s. Bhoo Developers Layout. As the layout is spread over an extent of 5.5 Acres, it will not come under the purview of the SPCB consent mechanism.

14. The Bangalore Development Authority (BDA) has mentioned that there was a joint inspection by the representatives from the Deputy Commissioner and Deputy Director of Land Records, Assistant Director of Land Records, Tahsildar, Executive Engineer, BDA, Executive Engineer, BBMP and the Executive Engineer, BENAPRA. The land in question, viz., Sy. Nos.11 and 299 come under the jurisdiction of the BBMP. In Sy. No.11 of Belathur Village, 0.05 Guntas of Nallah Karab exists. As per the

survey records, a public road is formed in the Karab portion in sub divided portion of Sy. Nos.11/4B and 11/5. The Drain Karab in the midportion of Sy. Nos.11, 13 and 20 of Belathur Village, a public road is formed. In Sy. No.299 of Kadogudi Village, there is no karab in existence, whereas in the southern portion of the Sy. No.299, there exists a drain, having a length of 70 meters and a width of 1.60 meters, amounting to an extent of 0.01 Guntas is in existence. **In Sy. No.299, there is no drain or government kharab.** As per the present site conditions, there is a flow of water in the drain. In the northern portion of Sy. No.11, a 50-meter buffer exists, as directed by this Tribunal and there is no development in this portion.

15. It is clearly stated that in the northern portion of Sy. Nos.11/4A, 11/4B and 11/5, there is a stream and the layout is formed, leaving the buffer from the survey boundaries. The site is vacant in the buffer zone of Sy. Nos.11/1 and 11/2. However, there is a temple in existence in the buffer zone in an extent of 11 x 11 feet. The said temple is admittedly an encroachment and it is stated that steps will be taken to remove the same by the BBMP.

16. The BBMP has stated that there is no Akarband in Sy. No.299. In the southern portion of Sy. No.299, there is 0.01 Guntas channel of a length of 70 meters and a breadth of 160 meters and there is no other channel in Sy. No.299. The BBMP has clearly and categorically stated that the 7th Respondent has not encroached the stream/stormwater drain or its buffer zone.

17. From the above reports, it is clear and evident that the application itself is filed, which could be termed as a speculative one.

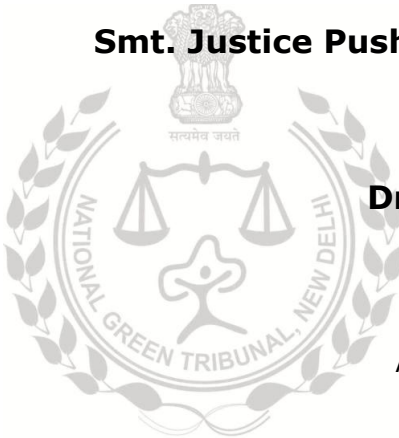
18. The applicant has not made out the case on merits on the grounds urged in the original application and the allegations are not supported by any documentary evidence. As observed earlier, the report of the Superintendent of Police, Bengaluru Metropolitan Task Force and also the spot inspection report, concludes that there is no encroachment as alleged, excepting a temple, which is not owned by the 7th Respondent.

19. From the above, it is clear that the allegations made by the applicant are not genuine and he also failed to establish his case by way of any concrete evidence. The reports of the other official respondents would go to show that excepting the temple, there is no other encroachments as alleged on the buffer zone.

20. Hence, we direct the BBMP to shift the temple, if the same is found to be an encroachment, in the manner known to law. As the allegations made in the Original Application are without any merits, the same deserves to be dismissed.

21. Accordingly, the Original Application [O.A. No.36 of 2023 (SZ)] is dismissed.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM



Sd/-
Dr. Prashant Gargava, EM

Internet – Yes/No

All India NGT Reporter – Yes/No

O.A. No.36/2023 (SZ)
28th January, 2026. Mn.

NGT