

Item No.13:-

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

(Through Video Conference)

Original Application No. 102 of 2022 (SZ)

IN THE MATTER OF:

Human Rights & Consumer Protection Cell Trust,
Rep by its Chairman, Telangana State & Anr.

...Applicant(s)

The State of Telangana,
Rep by its Chief Secretary,
Hyderabad & Ors.

...Respondent(s)



Date of hearing: 31.01.2024.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

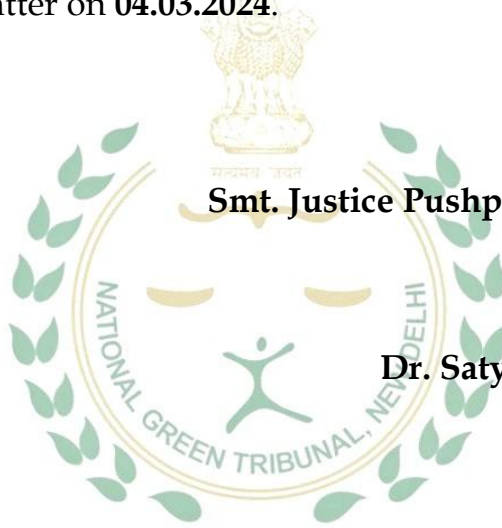
For Applicant(s): Mr. Thakur Rajkumar Singh.

For Respondent(s): Mrs. H. Yasmeen Ali for R1, R5 to R13.
Ms. C.P. Kavitha Renjini represented
Mr. T. Sai Krishnan for R2 to R4.
Dr. Venkat Reddy Donthi Reddy for R15.

ORDER

1. Today, the applicant has filed the objection to the report of the 7th Respondent who is the Executive Engineer, I.B. Division, Sangareddy District.
2. Regarding the construction of the temple, of which, there was an objection raised by the applicant, the 7th Respondent has stated that the construction of the temple is on the rear side of the bund and it will not affect the free flow of water, as it is constructed on the top of the bund of the tank and also it will not affect the storage capacity of the tank. Further, it is stated that the temple structure is not affected under the FTL and buffer zone of the tank as alleged by the applicant, as the FTL area and the buffer zone area fall on the upstream of the tank.
3. In the objections filed by the applicant, it is stated that besides the temple, there are other encroachments, for which, he has not furnished any particulars. Curiously, the 1st Applicant is not an ayacutdar, but it is a trust.
4. He also invited our attention to the G.O. (Ms) No.168 of the Municipal Administration and Urban Development Department dated 07.04.2012, pursuant to which, the Andhra Pradesh Building Rules, 2012 were formulated. Rule 3 (a) (ii) (2) of the Andhra Pradesh Building Rules, 2012 specifically states that 30 Meters from the FTL boundary of Lakes/ Tanks/ Kuntas of area 10 Hectares and above.

5. Admittedly, the tank in question is about 10 Hectares. However, the tank being a minor irrigation tank, whether the alleged temple is on the downstream.
6. Let the Irrigation Department (Respondent No.7) clarify whether there is any restriction on the construction in the downstream or in other words, how the FTL is fixed both on the upstream and downstream. The said report should be filed by the Chief Engineer of the Irrigation & CAD Department.
7. Post the matter on **04.03.2024**.



Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.102/2022(SZ)
31st January 2024. Mn.