

Human Rights & Consumer Protection Cell ... vs The State Of Telanganarep By Its Chief ... on 14 March, 2022

Bench: Adarsh Kumar Goel, K. Ramakrishnan, Satyagopal Korlapati

Item Nos.01&02

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH

(By Video Conferencing)

Original Application No. 115/2016(SZ)
& I.A.No.67/2020(SZ)

WITH

Original Application No. 156/2016 (SZ)

Human Rights & Consumer
Protection Cell Trust and Ors.

Applicant(s)

Versus

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

Respondent(s)

Date of hearing: 14.03.2022

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER
HON'BLE PROF. A SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Original Application No. 115/2016(SZ)

Applicant(s): Mr. Thakur Rajkumar Singh (party in person)

Respondent(s): Mrs. H. Yasmeen Ali for R-1,4 & 6
Mr. T. Sai Krishnan for R-2&3
Mr. D. Sreenivasan for R-5

Original Application No. 156/2016 (SZ)

Applicant(s): Mr. Thakur Rajkumar Singh (party in person)

Respondent(s): Mrs. H. Yasmeen Ali for R-1, R-5 to 10

Mr. T. Sai Krishnan for R-2 to 04
Mr. D. Sreenivasan for R-11
Mr. G. Stanley Hebzon Singh for R-21 to 23
Dr. Venkat Reddy Donti Reddy along with Mr. Ramesh
Ganapathy and Mr. G.Anandh Bhabhu for R-13 to 20
Mr. M.Gopi for R-24 to 77

ORDER

Issue

1. This common order will deal with O.A Nos. 115/2016(SZ) and 156/2016 (SZ) as one of the issues of illegal encroachments of water bodies and failure to take remedial action in terms of judgement of Hon'ble Supreme Court in Jagpal Singh v. State of Punjab¹ is common to both. Both the Applications have been dealt with together even earlier on that account.

2. In O.A No. 115/2016(SZ), grievance is that Greater Hyderabad Municipal Corporation (GHMC) is laying walking track/road inside Tank Bed of Sakhi Cheruvu (Water Body), Patancheru Village & Mandal, Medak District, Telangana State, in complete violation of various environmental laws, in the name of Beautification of water bodies.

3. In O.A No. 156/2016 (SZ), grievance is of encroachment of lakes in Ameenpur Village, District Medak, Telangana. It is stated that as per the report of the Bio-Diversity Board- 10th Respondent, there are 162 avian species, both resident and migrant like Desert Wheatear, Greater Flamingos, White Wagtail, Yellow Wagtail, Small Pratincole, Oriental Pratincole, River Tern, Eurasian Spoonbill, Bronze Winged Jacana, Pheasant Tailed Jacana, Indian Eagle Owl, Spotted Owl, Common Hawk Cuckoo, Shikra, Brahminy Kite, Black Kite, Black Winged Stilt, Greater Cormorant, little Cormorant, Ruddy Shelduck, Common Coot, Northern Pintail, Mallard, Common Kingfisher, White Throated Kingfisher, Pied Kingfisher, Red Munia, Indian Silverbill, Scaly Breasted Munia, Indian Robin, Common Kestrel, Pied Bushchat, Zitting Cisticola, Raptors, Common Hoopoe, Cattle Egret, Little Egret and Intermediate Egret etc., frequent the lake which has a wide variety of fishes, amphibians and reptiles such as Checkered Keelbacks, Russell Vipers to name a few.

4. Apart from the avifauna, the Pedda Cheruvu lake is surrounded by wonderful rock formations. There are reports of three caves in a granite (2011) 11 SCC 396 rocks cropping on the shores of the lake that are dark and cool. Water Bodies are very important for existence of Bio-Diversity.

5. The Ameenpur Village has that advantage as it has more than 20 water bodies in the Catchment area and about 13 water bodies in the village itself. They are S.No. Name of the Water Body Village

1. Ameenpur Pedda Cheruvu Ameenpur

2. Ameenpur Kotha Cheruvu Ameenpur

3. Kummari Kunta Ameenpur

4. Bandamkommu Kunta Ameenpur
5. Upparaveni Kunta Ameenpur
6. Koneru Kunta Ameenpur
7. Shambuni/Devuni Kunta Ameenpur
8. Uske Bawi Kunta Ameenpur
9. Yalla Kunta Ameenpur
10. Shetti Kunta Ameenpur
11. Pochamma Kunta Ameenpur
12. Gandhi Kunta Ameenpur
13. Sandudunta Kunta Ameenpur
14. Maqta Meedi Kunta Maqta Mahboobpet
15. Maqta Kindi Kunta Maqta Mahboobpet Procedural History

6. O.A No. 115/2016(SZ) was filed on 04.05.2016 and O.A No. 156/2016 (SZ) was filed on 31.05.2016. The same have been dealt with by several orders in the last six years after issuing notice to the respondents, including, the State of Telangana, Hyderabad Metropolitan Development Authority (HMDA) and the Collector Medak District who are common respondents in both the cases. The alleged encroachers were also impleaded as parties and put to notice. Main orders dealing with the issue are dated 18.12.2019, 13.4.2020, 27.5.2021 and 8.9.2021.

7. Vide order dated 18.12.2019, the Tribunal found that the existence of water bodies was admitted. It was also noted that the joint Committee had been formed to inspect the water bodies and to inventorize the encroachment. The Tribunal accordingly directed:-

"We feel it appropriate to direct the Chief Secretary, State of Telangana to look into the matter and ascertain as to whether the water bodies in the State especially the water bodies in the present village have been notified and whether FTL In respect of the same have been fixed and encroachments identified if any action taken in this regard. The Chief Secretary of Telangana State shall consider the following aspects:

- (i) Whether the FTL has been fixed for the water bodies.

(ii) Whether any Buffer zone of the water body fixed from the FTL to declare that as Non-Development zone.

(iii) Whether all the water bodies were inventorized and notified under the Wetlands (Conservation and Management) Rules, 2017.

(iv) Whether there exists any encroachments and if so what steps taken by the authorities to remove the same.

(v) What are the steps taken to prevent e further encroachments of the water bodies and restoration of the water bodies which has been recovered.

(vi) Is there any dumping of garbage and discharge of non-treated sewage or trade effluent into the water bodies and if so what action taken.

(vii) While considering the water quality of the water bodies, they should also consider the quantity of faecal coliform and total coliform as one of the criteria of fixing the standard of water as directed by the Principal Bench of the National Green Tribunal, New Delhi in similar matters and what are the steps taken for treating the water if contaminated to make it potable water as well as irrigation purpose.

The Chief Secretary can constitute a Committee consists of the officials of the Lake Protection Committee, the District Collectors of the respective Districts where the water bodies are present, the Telangana State Pollution Control Board, the State Wetlands (Conservation and Management) Authority, the officials of the Telangana Bio-Diversity Board, the Heads of the Local bodies of the respective places for the purpose of making the exercise to find out the encroachment and identify the water bodies as mentioned above and submit a detailed report regarding the same to this Tribunal within a period of four months.

The Chief Secretary of Telangana State is at liberty incorporate any other agency or officials whom he feels necessary to for the purpose of considering these aspects whose presence is also required to resolve the issues.

The Chief Secretary or Telangana State is at liberty to appoint a nodal agency among the officers of the Committee members to co- ordinate and complete the exercise.

The Chief Secretary of Telangana State is also directed to consider the allegations in O.A. No. 154 of 2016 and O.A.No.115 of 2016 as well andincorporate his remarks on the basis ofthe inspection made by the Committee to be appointed by him on those aspects as well."

Order dated 13.4.2021

8. In pursuance of above, report dated 04.12.2020 was considered on 13.04.2021. While noting the progress on the subject, the Tribunal directed further steps for improving the water quality and also

removing encroachments. The concerned Departments were directed to file further action taken report in the matter before 27.05.2021. Operative part of the order is reproduced below:

"2. In O.A. No. 156 of 2016, the first respondent had filed a report dated nil, e-filed on 04.12.2020 and received on the same day which reads as follows:-

REPORT FILED BY THE 1ST RESPONDENT

1. I humbly submit that, the applicant in O.A. No.156 of 2016 (SZ) in I.A. No. 38 of 2019 of National Green Tribunal, Southern Zone, Chennai filed by Human Rights & consumer Protection Cell Trust, regarding the encroachments made into the water bodies in Ameenpur Village of Telangana State, According to the applicant, there exists nearly 13 water bodies in that village and 20 water bodies in the catchment area of these water bodies have encroached in large scale by the developers and constructions have come either reducing the width of the water body or filling up the water in an illegal manner.

2. The National Green Tribunal Southern Zone, Chennai in its Orders dated 18.12.2019, O.A. No. 156 of 2016 (SZ) and I.A. No. 38 of 2019 (SZ) has directed me to look into the matter and ascertain as to whether the water bodies in the State especially the matter bodies in the Ameenpurvillage of Telangana have been notified and whether FTL in respect of the same have been fixed and encroachments identified if any action taken in this regard.

3. I examined the judgement in detail and constituted a committee with the following members to examine the encroachment made in Ameenpur Village and nearby water bodies as directed by National Green Tribunal in its order dated 18.12.2019.

"1 District Collector, Sangareddy 2 Commissioner, Hyderabad Metropolitan Development Authority.

3 Chief Engineer, Minor Irrigation (KB), Hyderabad.

4.The Committee has verified the tanks and submitted their report. The action taken on the orders of the Hon'ble NGT is under Point No.1: Whether the FTL has been fixed for the water bodies:

FTL survey of all the 14 water bodies in Ameenpur Village is completed and fixed the FTL points.

Point No.2: Whether any Buffer Zone of the water body fixed from the FTL to declare that as Non-Development zone:

The FTL boundary and corresponding buffer zone boundary is fixed for all the water bodies and clearly marked with geo coordinates in the FTL maps as per the conditions stipulated under G.O.Ms.No 168 of MA&UD Department, Dated: 07-04-2012 and accordingly cadastral maps of all the water bodies are prepared.

Point No.3: Whether all the water bodies were inventorized and notified under the Wetlands (Conservation and Management) Rules, 2017:

All the fourteen (14) water bodies in Ameenpur village have been inventorized. Further it is submitted that the human made water bodies / tanks does not come under wet lands as per part II section 3 (i) of wetlands (Conservation and Management) rules 2017.

Point No.4: Whether there exists any encroachments and if so what steps taken by the authorities to remove the same:

Teams comprising of Revenue, Municipal and Irrigation officials have conducted joint inspection and identified total 881 illegal constructions in 12 water bodies and no encroachments found in 2 water bodies (i.e. Kummari Kunta and kuntashikam tanks). Further, notices were prepared for 561 such constructions under section 23 of Telangana Water, Land and Trees Act 2002 and for the remaining 320 notices are to be prepared, since the names and address of the encroachers are not readily identified due to the effect of COVID-19 and other issues.

Point No.5: What are the steps taken to prevent further encroachments of the water bodies and restoration of the water bodies which has been recovered?

The identification of encroachments and enumeration of structures falling under FTL and Buffer zone of 14 water bodies are completed. Further the protection works to safeguard the lakes by providing fencing along the FTL is being taken up.

The Lake Protection Committee Meeting was conducted and formed vigilant teams comprising of members from Revenue, Irrigation, Municipality, HMDA and Police Departments to safeguard and to protect the water bodies. Tahsildars appointed 'Point Person' for each water body under their jurisdiction who will have a constant watch over the water body to prevent encroachments in the water body area. Further it is decided to erect sign boards at every water body mentioning the name and phone number of the "Point Person" so that any person can inform the "Point Person" regarding encroachment. Further, the Girdawar of the Mandel concerned is made the Supervisory Officer for the Point Persons appointed.

Disciplinary proceedings have also been initiated against Sri. B. Devadas, Panchayat Secretary, GP Ameenpur and Smt. B. Vasanthi, Panchayat Secretary, GP Ameenpur and they are kept under suspension for issue of illegal permissions in the

surroundings of PeddaCheru, Ameenpur Village. Charge memos were issued to Sri. K.Kashinadh, Panchyath Secretary GP Ameenpur and Sri.P. Somnarayana, Panchayat Secretary GP Ameenpur and enquiry is going on.

Further bund strengthening, repairs to weir etc. works have been taken up for 10 nos of water bodies with a sanction amount of Rs.496.00 Lakhs in Ameenpur village under Mission Kakatiya programme.

Point No.6: Is there any dumping garbage and discharge of non-treated sewage or trade effluent into the water bodies and if so what action taken:

TSPCB Remarks:- As per the information obtained from the concern departments in respect of 14 lakes in Ameenpur (V), Sangareddy District and 5 lakes in the catchment area of the above water bodies, there are sewage discharge into 13 lakes from the surrounding residential areas. Garbage dumping was also observed in 3 lakes. There is no trade effluent discharge into the lakes.

(The concerned departments are directed to take necessary action to stop sewerage discharge and garbage dumping).

Point No.7: While considering the water quality of the water bodies, they should also consider the quantity of the faecal coliform and total coliform as one of the criteria of fixing the standard of water as directed by the Principal Bench of the National Green Tribunal, New Delhi in similar matters and what are the steps taken for treating the water if contaminated to make it potable water as well as irrigation purpose:

TSPCB Remarks: - As per the CPCB water quality criteria, the standard for Faecal Coliform for bathing purposes is < 500 MPN/ 100 ml (desirable and 2500 Max). The standard for total coliform for drinking water source after conventional treatment is < 500 MPN/ 100 ml.

The CPCB water quality criteria based on designated best use is as follows.

Designated Best Use	Class of Criteria Water	
Drinking water source without conventional	A	1.Total Coliforms OrganismMPN/100 ml shall b 50 or less

treatment but after 2. pH between 6.5 and 8.5 disinfection 3. Dissolved Oxygen 6mg/1

4. Biochemical Oxygen Demand 5 days 20° C 2mg/1 or less Outdoor bathing (Organised) B 1. Fecal Coliform MPN/100ml:500 (desirable) and 2500 (Maximum Permissible) 2 Fecal Streptococci 1000 MPN/100ml:100 (desirable) and 500 (Maximum Permissible)

3. pH between 6.5 and 8.5

4. Dissolved Oxygen 5mg/I or more

5. Biochemical Oxygen Demand 5 days 20° C 3mg/I or less Drinking water sourceafter C 1. Total Coliforms Organism MPN/100ml shall be conventional treatment 5000 or less Anddisinfecttion 2. PH between 6 to 9

5. Dissolved Oxygen 4mg/I or more

6. Biochemical Oxygen Demand 5 days 20° C 3mg/1 or less.

Propagation of wild life and D 1. pH between 6.5 to 8.5 fisheries 2. Dissolved Oxygen 4mg/I or more

3. Free Ammonia (as N) 1.2 mg/I or less Irrigation, Industrial cooling, E 1. pH between 6.0 to 8.5 Controlled waste disposal 2. Electrical Conductivity at 25 degree C micro mhos/cm Max.2250

3. Sodium absorption Ratio Max.26

4. Boron Max. 2mg/1 Below E Not Meeting A,B,C,D &E Criteria It is observed from the analysis of the water quality in the above 19 lakes, that Faecal coliform are not present and the total coliform is ranging from 24 to 1600 MPN/100 ml. The BOD is ranging from 2.8 mg/1 to 13 mg/I. The DO is ranging from 2.0 mg/1 to 6.4 mg/I. (To further improve the water quality, the concerned departments are directed to take necessary steps).

SI No	Name & address of water body	Latitude and Longitude	Sewage discharges and locations	Value / count total Coliform and Faecal Coliform i MPN/100 ml
1	UskebaviKunta, Ameenpur N&M), Sangareddy District.	78°17'43.48"E 78°17'43.48"E	Dense residential area is there in up steam of the UskebaviKunta. Waste water from the residential colonies is joining with the UskebaviKunta.	Total Coliform : Nil Faecal Colifonn : Nil
2	PochammaKunta, Near Raghavendra Colony, Phase - I, Ameenpur (V&M), Sangareddy District.	17°31'35.06"N 78°18'16.91"E	During the inspection no water was observed in the PochammaKunta. But mud was observed in the middle of the water body. NRI residential colony is located In upstream of the PochammaKunta. Drain line in upstream of the water body was observed. Municipal solid waste /garbage Was observed in the PochammaKunta.	Lake is in dry condition.

Kunta.

- 3 UbaKunta, 17°32'12.99"N Residential colony of Indiramma Total Coliform :43
Beside 2 bed Houses is located in upstream of the
Mom house 78°17'33.66"E UbaKunta. Waste water from Fecal Fecal Coliform: Nil
flats, Coliform, the colony is joining with
PatelgudaAme the Ubakunta.
npur
(V&M),
Sangareddy
District.
- 4 ShettiKunta, 17°32'2.08"N Dense residential area is there in up Total Coliform
beside steam of the ShettiKunta. Fecal Coliform
UbaKunta, 78°17'31.87"E Waste water from the residential
Patelguda, Colonies is joining with the
Ameenpur ShettiKunta.
(V&M),
Sangareddy
District.
- 5 Patel Cheruvu, 17°32'30.86"N Patel guda and other residential Total Coliform
Patelguda, 78°17'24.05"E colonies are located in upstream of Fecal Coliform
Ameenpur
(V&M),
Sangareddy
District.
pipe was laid from the village to
up stream of Patel cheruvu and
discharging domestic effluents
through hume pipe in to the Patel
Cheruvu.
- Municipal solid waste / Garbage
was observed near upstream of the
water body.
- 6 GandiKunta, at Drain line from Goshala of Total Colifor
Goshala, 17°31'21.90"N Temple was observed. Fecal Coliform
Ameenpur Nil
(V&M), 78°18'18.38"E
Sangareddy
District.
- 7 UpparivaniKunt a, Near NSL
colony, Dense residential area is there in
Ameenpur 17°30'56.16"N Up steam of the UpperavaniKunta. Total Coliform
(V&M), Waste water from the residential
Fecal Coliform

	Sangareddy	78°18'24.30"E	colonies is joining with the		Nil
	District.		UppervaniKunta.		
8	KonetiKunta, Near New Sai Bhagavan Colony, Ameenpur (V&M), Sangareddy		During the inspection no water Was observed in the KonetiKunta. But mud was observed in the middle of the water body.		
		17°31'11.51"N	Part of the residential colony of		
	District.	78°18'18.30"E	New Sai Bhagavan colony is	Lake	is
			located in upstream. Municipal Solid waste /garbage was observed in the KonetiKunta. Theresidents informed that recentlythey have provided underground drainage system for the houses.		condition.
	Shambuni I DevuniKunta, Near Monday Market, Beeramguda, Ameenpur (V&M). Sangareddy District.		Dense residential area is there in up steam of the Shambuni / DevuniKunta. Waste water from the residential colonies is joining with the Shambuni / DevuniKunta.	Total Coliform :	
		78°17'56.29"E		540	
		78°17'56.29"E		Fecal Coliform :	
				Nil	
10	SambiChennm / SandudunteKun		Dense residential area is there in		
	t			Total Coliform.	

17°31'15.11"N up steam of the Sambicheruvu / SandudunteKunta. Waste water Rupasri county,
78°18'42.12"E from the residential colonies is Ameenpur Fecal Coliform :

joining with the Sambicheruvu / (V&M), Nil SandudunteKunta.

Sangareddy District.

11 KuntaShikam, 17°31'40.30"N Hilly area is there in upstream of Total Coliform 34
Opposite to 78°9'41.19"E the KuntaShikam. Low level of Fecal Coliform :

Rupasri County, water was observed. Nil ShankarGreen Homes, Ameenpur (V&M),
Sangareddy District.

KothaCheruvu, It is located in downstream of Total Coliform :

Ameenpur 17°30'59.04"N AmeenpurPeddaCheruvu. Local (V&M), person informed that domestic Fecal Coliform :

Sangareddy 78°19'47.53"E effluents from RTC Colony is joining Nil
District. with KothaCheruvu.

KummariKunta, Total Coliform
Ameenpur 17°30'48.11"N Hill area is covered in upstream 38
(V&M), 78°19'41.32"E of the KummariKunta. Fecal Coliform
Sangareddy Nil
District.

AmeenpurPedd
aCheruvu,

17°31'22.28"N residential area are there on the Ameenpur Total Coliform : 920
78°19'31.71"E upstream of the lake. The status of (V&M), Fecal Coliform : Nil ' the
industries is herewith Sangareddy enclosed.

District.

Dense residential area is there in
Bandamkommu, Up steam of the Total Coliform
Ameenpur 17°30'48.68"N
(V&M),
Sangareddy 78°19'17.39"E Water from the residential Fecal Coliform
District. colonies is joining with the Nil
BandamkommuKunta.

16 BandhamKunta,

	Bachupally, Medchal-	17°52'94"N		Lake is in dry
			No water observed in the lake.	condition.
17	Malkajgiri District. KarnalKunta, Bachupally, Medchal-	78°36'44"E		
		17°32'10"N	No water observed in the lake.	Lake is in dry
				condition.
18	Malkajgiri District. MullaBandham Kunta, Bachupally, Medchal-	78°21'13"E		
		17°54'19"N	No water observed in the lake.	Lake is in dry
		78°38'10"E		condition
	Malkajgiri District. PeddaKunta& Bain Cheruvu, Bachupally, Medchal-		Only rain water is the source and no domestic effluents are joining into the lake.	Analysis report Yet to be recei
		17°52'11"N		
		78°35'02"E		
	Malkajgiri District.			

3. It is seen from the report that in the 19 lakes from where they have conducted water analysis and the presence of Total Coli Form is ranging from 24 to 1600 MPN/100 ml, the BOD is ranging from 2.8mg/l to 13 mg/l and the DO is ranging from 2.0 mg/l to 6.4 mg/l.

4. It is also mentioned in the report that to further improve the water quality, concerned departments were directed to take necessary steps, what is the nature of steps directed to be taken is not clear from the report and they have also not mentioned the source for the presence of coli form either it must be due to the discharge of untreated sewage into the water bodies and if so, who are responsible for the same has not been mentioned.

5. The Pollution control Board is directed to file a detailed report regarding this aspect and what is the nature of remedial measures that has been taken by them for resolving this issue to improve the water quality and also whether they have identified the responsible for the same, if it was due to discharge of untreated sewage then what is the nature of action taken by them against the persons responsible in

this regard and they are expected to submit the report to that extent.

6. Further, as regards the encroachment issue is concerned, the learned counsel appearing for the State of Telangana submitted that notices have been issued to the alleged encroachers and the enquiry is still going on and they want some more time for filling the report showing the progress of the removal of encroachment drive undertaken by the Government in this regard to restore the water bodies.

7. So considering the circumstances, the respective departments are directed to file their independent progress report regarding the action taken by them to resolve the issue raised in these two cases as the matter is pending since 2016 onwards.

8. The applicant who is appearing in person had submitted that though there was an order directing not to do anything in the water bodies, the Greater Hyderabad Municipal Corporation (GHMC)/5th respondent is trying to lay a road through one of the water bodies.

9. The Public Works Department (PWD) and Irrigation Department who is in-charge of maintenance of the water bodies are directed to submit a report regarding the allegations made by the applicant in O.A. No. 115 of 2016.

10. The concerned authorities are directed to file the further action taken report as directed in both the cases on or before 27.05.2021 by e-filing in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF along with necessary hard copies to be produced as per rules."

Order dated 27.5.2021

9. Vide order dated 27.5.2021, the Tribunal considered the report dated 25.05.2021 filed by the State PCB about the water quality status and reports of PWD, Irrigation Department and HMDA. They were directed to take remedial action and file further action taken reports.

Operative part of the order is reproduced below:

"3. The Telangana State Pollution Control Board (TSPCB) had filed a report dated 25.05.2021 which reads as follows:

"REPORT DATED 25.05.2021 OF TELANGANA STATE POLLUTION CONTROL BOARD (TSPCB-R4), IN OA NOS.115 & 156 OF 2016 FILED BY HUMAN RIGHTS AND CONSUMER PROTECTION CELL TRUST AND ORS BEFORE THE HON BLE NGT, CHENNAI It is to submit that OA Nos.115 & 156 of 2016 in Hon'ble NGT was filed by Human Rights and Consumer Protection Cell Trust and Ors against the State of Telangana Rep, regarding the encroachments made into the water bodies in Ameenpur village of Telangana State.

The Hon'ble NGT vide Order dt. 13.04.2021 has ordered as follows:

The Pollution control Board is directed to file a detailed report regarding this aspect and what is the nature of remedial measures that has been taken by them for resolving this issue to improve the water quality and also whether they have identified the responsible for the same, if it was due to discharge of untreated sewage then what is the nature of action taken by them against the persons responsible in this regard and they are expected to submit the report to that extent.

In compliance to the Hon'ble NGT directions, the Board officials have inspected 19 water bodies on 12th & 13th of May, 2021. The details of the water bodies are as follows:

1. Uskebavi Kunta, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from The Board Officials collected the water body to ascertain the sample from the water body on category of Water quality as per 12.05.2021. CPCB Water quality criteria.

As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „D .

Copy of the analysis report is enclosed as Annexure-I (A).

2 Observations during the Inspection >During inspection, water was observed in small portion in the water body area.

>Dense residential area observed in up-steam and down-stream of the water body.

>Underground drainage lines were observed in the surrounding colonies diverting the sewage away from the water body.

>No specific feeder channels or drainage lines observed joining into the water body.

>The outlet channel of the water body observed in dilapidated condition / not in use.

>No industries are located in the surroundings of the water body.

>The source of pollution is due to surface runoff from the upstream residential areas.

>Photographs of the same are enclosed as Annexure-I (B).

3 Google map of the water body The google map showing the showing the surroundings. water body and its surroundings is enclosed as Annexure-I (C).

ACTION TAKEN: The Board issued Notice dated 21.05.2021 to the Ameenpur Municipality to submit an Action Plan for controlling pollution of the water body due to surface runoff from the upstream residential areas.

2. Pochamma Kunta, Near Raghavendra Colony, Phase - I, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the During the inspection, no water was water body to ascertain the category of observed in the water body. Water quality as per CPCB Water quality criteria.

2 Observations during the Inspection >During the inspection no water was observed in the Pochamma Kunta >Residential area observed in up- stream and down-stream of the water body.

>No specific feeder channels or drainage lines observed joining into the water body.

>No outlet channel to the water body was observed.

>NRI residential colony is located in upstream of the Pochamma Kunta.

>Raghavendra colony is located in downstream of the Pochammakunta and having drainage lines.

>No industries are located in the surroundings of the water body.

>Photographs of the same are enclosed as Annexure-II (A).

3 Google map of the water body showing The google map showing the water the surroundings body and its surroundings is enclosed as Annexure-II (B).

ACTION TAKEN: During the Inspection, there was no water in the water body. Hence, sample was not collected. The Board would monitor the water quality whenever the water body receives the water and necessary action will be taken based on water quality.

3. Uba Kunta / Dubba Kunta, beside 2 bed room house flats, Patelguda, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected water body to ascertain the category of sample from the water body on Water quality as per CPCB Water 12.05.2021. quality criteria. As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „D .

Copy of the analysis report is enclosed as Annexure-III(A).

2 Observations during the Inspection >During inspection, water observed in small portion only in the water body area.

>Residential area observed in up-steam and down-stream of the water body.

>Residential colony of Indiramma Houses is located in upstream of the Uba Kunta.

>No specific feeder channels or drainage lines observed joining into the water body.

> The outlet channel of the water body surrounded by residential area and no specific feeder channels or drainage lines observed joining into the water body.

> No industries are located in the surroundings of the water body.

> The source of pollution is due to surface runoff from the upstream residential areas.

> Photographs of the same are enclosed as Annexure-III(B). is ACTION TAKEN: The Board issued Notice dated 21.05.2021 to the Ameenpur Municipality to submit Action Plan for controlling pollution of the water body due to surface runoff from the upstream residential areas.

4. Shetti Kunta, beside Uba Kunta, Patelguda, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected sample water body to ascertain the category of from the water body on 12.05.2021. Water quality as per CPCB Water quality criteria. As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „B .

Copy of the analysis report is enclosed as Annexure-IV(A).

2 Photographs of Feeder Channels and >During inspection, water was Outlet Channels of the water bodies. observed in small portion in the water body area.

>Residential area observed in up- steam and down-stream of the water body.

>Drainage lines were provided to the residential area.

>No specific feeder channels or drainage lines observed joining into the water body.

>The outlet channel of the water body is not in use.

>No industries are located in the surroundings of the water body.

> No sources of Pollution observed.

>Photographs of the same are enclosed as Annexure-IV (B).

3 Google map of the water body showing The google map showing the water the surroundings body and its surroundings is enclosed as Annexure-IV(C).

ACTION TAKEN: The Water Quality of the Water Body as per CPCB criteria falls in Class B. No sources of Pollution observed.

5. Patel Cheruvu, Patelguda (V), Ameenpur (M), Sangareddy District S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected water body to ascertain the category of sample from the water body on Water quality as per CPCB Water 12.05.2021. quality criteria.

As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „D .

Copy of the analysis report is enclosed as Annexure-V (A).

2 Observations during the inspection > During inspection, water was observed in small portion in the water body area.

> Residential area observed in up- steam and down-stream of the water body.

> Drainage lines were provided to the residential area. However, joining of sewage waste water into the water body was observed.

> Construction of outlet channel for the water body is under progress.

> No industries are located in the surroundings of the water body.

> The source of pollution is due to surface runoff from the upstream residential areas.

> Photographs of the same are enclosed as Annexure-V(B).

3 Google map of the water body showing The google map showing the water the surroundings. body and its surroundings is enclosed as Annexure-V(C).

ACTION TAKEN: The Board issued Notice dated 21.05.2021 to the Gram Panchayat, Patelguda, as sewage water was joining into water body and was asked to submit Action Plan for diverting the sewage from joining the water body.

6. Gandhi Kunta, at back side of Goshala, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected sample water body to ascertain the category of from the water body on 12.05.2021. Water quality as per CPCB Water quality criteria. As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „B .

Copy of the analysis report is enclosed as Annexure-VI (A).

2 Observations during the inspection. During inspection, water observed in the water body.

No residential area was observed in up-stream of the water body.

No specific feeder channels or drainage lines observed joining into the water body.

No discharges of domestic waste water were observed.

Surrounding area on North side & South side is covered with hills / Rocky.

Sri BramarambaMallikarjuna Swami Goshala is located in upstream of the water body on East side.

However, no discharges were observed from the Goshala into the water body.

No outlet channel to the water body observed.

No industries are located in the surroundings of the water body.

Photographs of the same are enclosed as Annexure-VI (B).

3 Google map of the water body showing The google map showing the water the surroundings. body and its surroundings is enclosed as Annexure-VI(C).

ACTION TAKEN: The Water Quality of the Water Body as per CPCB criteria falls in Class B. No sources of Pollution observed.

7. Upparivani Kunta, Near NSL Colony, Ameenpur (V&M), Sangareddy District S. Description of Action Point Remarks No. 1 Details of the sample collected from the

During the inspection, no water was water body to ascertain the category of observed in the water body. Water quality as per CPCB Water quality criteria.

2 Observations during the inspection. During the inspection no water was observed in the Upparivani Kunta. Residential area observed in up- steam and down-stream of the water body.

No specific feeder channels or drainage lines observed joining into the water body.

No outlet channel to the water body was observed.

On enquiry, the local people informed that, recently about one month back drainage lines were provided in the residential colonies located in upstream of the water body diverting the sewage away from the water body.

No industries are located in the surroundings of the water body.

Photographs of the same are enclosed as Annexure-VII (A).

3 Google map of the water body showing The google map showing the water the surroundings. body and its surroundings is enclosed as Annexure-VII (B).

Action Taken: During the Inspection, there was no water in the water body. Hence, sample was not collected. The Board would monitor the water quality whenever the water body receives the water and necessary action will be taken based on the water quality.

8. Koneti Kunta, Near New Sai Bhagavan Colony, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the During the inspection, no water was water body to ascertain the category of observed in the water body. Water quality as per CPCB Water quality criteria.

2 Observations during the inspection. During the inspection no water was observed in the Koneti Kunta.

Part of the residential colony of New Sai Bhagavan colony is located in upstream.

Drainage lines were provided to the residential colonies diverting the sewage away from the water body.

The entire area of the water body is covered with shrubs.

No specific feeder channels or drainage lines observed joining into the water body area.

No outlet channel to the water body was observed.

No industries are located in the surroundings of the water body.

Photographs of the same are enclosed as Annexure-VIII (A) 3 Google map of the water body showing The google map showing the water the surroundings. body and its surroundings is enclosed as Annexure-VIII (B) Action Taken: During the Inspection, there was no water in the water body. Hence, sample was not collected. The Board would monitor the water quality whenever the water body receives the water and necessary action will be taken based on the water quality.

9. Shambuni / Devuni Kunta, Near Monday Market, Beeramguda, Ameenpur (V&M), Sangareddy District S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected sample water body to ascertain the category of from the water body on 12.05.2021. Water quality as per CPCB Water quality criteria As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „E .

Copy of the analysis report is enclosed as Annexure-IX (A).

2 Observations during the inspection. During inspection, water observed in the water body.

Water body was covered with full of water hyacinth (Floating plants). The outlet channel of the water body observed in dilapidated condition / not in use.

2 Nos of ghats were provided for Batkamma and Lord Ganesh Nimarjanam.

Drainage lines were provided in the surrounding residential colonies diverting the sewage away from the water body.

No specific feeder channels or drainage lines observed joining into the water body.

The outlet channel of the water body observed not in use.

No industries are located in the surroundings of the water body.

The source of pollution is due to surface runoff from the upstream residential areas.

Photographs of the same are enclosed as Annexure-IX (B) 3 Google map of the water body showing The google map showing the water the surroundings. body and

its surroundings is enclosed as Annexure-IX (C).

ACTION TAKEN: The Board issued Notice dated 21.05.2021 to the Ameenpur Municipality to submit Action Plan for controlling pollution of the water body due to surface runoff from the upstream residential areas.

10. Sambicheruvu / Sandudunte Kunta, Back side of Rupasri county, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected sample water body to ascertain the category of from the water body on 12.05.2021. Water quality as per CPCB Water quality criteria. As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „D .

Copy of the analysis report is enclosed as Annexure-X (A).

2 Observations during the inspection. During inspection, water was observed in the water body.

Thick residential area observed in up steam of the Sambicheruvu.

Open drain was observed from the residential area located in upstream of the water body and sewage is joining the water body.

The outlet channel of the water body is not in use.

No industries are located in the surroundings of the water body.

The source of pollution is due to surface runoff from the upstream residential areas.

Photographs of the same are enclosed as Annexure-X(B).

3 Google map of the water body showing The google map showing the water the surroundings. body and its surroundings is enclosed as Annexure-X(C).

ACTION TAKEN: The Board issued Notice dated 21.05.2021 to the Ameenpur Municipality as sewage water was joining the water body and was asked to submit Action Plan for diverting the sewage from joining the water body.

11. Kunta Shikam, Opposite to Rupasri County, Shankar Green Homes, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the During the inspection, no water was water body to ascertain the category of observed in the water body. Water quality as per CPCB Water quality criteria 2 Observations during the inspection. During the

inspection no water was observed in the Kunta Shikam.

The water body is surrounded with Hill area in the upstream.

No specific feeder channels or drainage lines observed joining into the water body area.

No outlet channel to the water body was observed.

No industries are located in the surroundings of the water body.

Photographs of the same are enclosed as Annexure-XI (A).

3 Google map of the water body showing The google map showing the water the surroundings. body and its surroundings is enclosed as Annexure-XI (B).

ACTION TAKEN: During the Inspection, there was no water in the water body. Hence, sample was not collected. The Board would monitor the water quality whenever the water body receives the water and necessary action will be taken based on water quality.

12. KothaCheruvu, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected sample water body to ascertain the category of from the water body on 12.05.2021. Water quality as per CPCB Water quality criteria. As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „D .

Copy of the analysis report is enclosed as Annexure-XII (A).

2 Observations during the inspection. During the inspection no overflow from the AmeenpurPeddaCheruvu was observed.

No specific feeder channels or drainage lines were observed joining into the water body.

Overflow water joins with Bandamkommu. During inspection no overflow was observed.

No industries are located in the surroundings of the water body.

The source of pollution is due to surface runoff from the upstream residential areas.

Photographs of the same are enclosed as Annexure-XII(B).

3 Google map of the water body showing The google map showing the water the surroundings. body and its surroundings is enclosed as Annexure-XII(C).

ACTION TAKEN: The Board issued Notice dated 21.05.2021 to the Ameenpur Municipality to submit Action Plan for controlling pollution of the water body surface runoff from the upstream residential areas

13. Kummari Kunta, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected sample water body to ascertain the category of from the water body on 12.05.2021. Water quality as per CPCB Water quality criteria As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „B .

Copy of the analysis report is enclosed as Annexure-XIII (A).

2 Observations during the inspection. The water body is surrounded with Hill area in upstream.

No specific feeder channels or drainage lines observed joining into the water body area.

No outlet channel to the water body was observed.

No industries are located in the surroundings of the water body.

Photographs of the same are enclosed as Annexure-XIII (B).

3 Google map of the water body showing The google map showing the water the surroundings. body and its surroundings is enclosed as Annexure-XIII(C).

ACTION TAKEN: The water quality of the water body as per CPCB criteria falls in Class B. No sources of Pollution observed.

14. Bandamkommu, Ameenpur (V&M), Sangareddy District.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected sample water body to ascertain the category of from the water body on 12.05.2021. Water quality as per CPCB Water quality criteria includes Total Coliforms, pH, DO, As per the analysis report, the water BOD, Fecal Coliform, Free Ammonia (as quality of the water body, as per CPCB N), EC, Boron etc., Water quality criteria is „D .

Copy of the analysis report is enclosed as Annexure-XIV (A).

2 Observations during the inspection. Residential area is located in up steam of the Bandamkommu Kunta.

Sewage line was observed into the water body.

During the inspection waste water flow from the residential area (Sridham Hills colony) was observed joining the water body.

No outlet channel of the water body observed.

No industries are located in the surroundings of the water body.

The source of pollution is due to surface runoff from the upstream residential areas.

Photographs of the same are enclosed as Annexure-XIV (B) 3 Google map of the water body showing The google map showing the water the surroundings. body and its surroundings is enclosed as Annexure-XIV (C).

ACTION TAKEN: The Board issued Notice dated 21.05.2021 to the Ameenpur Municipality to submit Action plan for diverting the sewage from joining the water body.

15. BANDHAM KUNTA, BACHUPALLY, MEDCHAL- MALKAJGIRI DISTRICT S. Description of Action Point Remarks No. 1 Details of the sample collected from the During the inspection, no water was water body to ascertain the category of observed in the water body. Water quality as per CPCB Water quality criteria.

2 Observations during the inspection. The lake is in dry condition.

No discharge of untreated sewage into the lake is observed.

Photographs of the same are enclosed as Annexure-XV.

ACTION TAKEN: During the Inspection, there was no water in the water body. Hence, sample was not collected. The Board would monitor the water quality whenever the water body receives the water and necessary action will be taken based on water quality.

16. KARNAL KUNTA, BACHUPALLY, MEDCHAL- MALKAJGIRI DISTRICT S. Description of Action Point Remarks No. 1 Details of the sample collected from the During the inspection, no water was water body to ascertain the category of observed in the water body. Water quality as per CPCB Water quality criteria.

2 Observations during the inspection. The lake is in dry condition.

No discharge of untreated sewage into the lake is observed.

Photographs of the same are enclosed as Annexure-XVI.

ACTION TAKEN: During the Inspection, there was no water in the water body. Hence, sample was not collected. The Board would monitor the water quality whenever the water body receives the

water and necessary action will be taken based on the water quality.

17. MULLA BANDHAM KUNTA, BACHUPALLY, MEDCHAL- MALKAJGIRI DISTRICT S. Description of Action Point Remarks No. 1 Details of the sample collected from the During the inspection, no water was water body to ascertain the category of observed in the water body. Water quality as per CPCB Water quality criteria 2 Observations during the inspection. The lake is in dry condition.

No discharge of untreated sewage into the lake is observed.

Photographs of the same are enclosed as Annexure-XVII.

ACTION TAKEN: During the Inspection, there was no water in the water body. Hence, sample was not collected. The Board would monitor the water quality whenever the water body receives the water and necessary action will be taken based on the water quality.

18. PEDDA KUNTA & BAIN CHERUVU, BACHUPALLY, MEDCHAL-MALKAJGIRI DISTRICT.

S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected sample water body to ascertain the category of from the water body on 12.05.2021. Water quality as per CPCB Water quality criteria. As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „D .

Copy of the analysis report is enclosed as Annexure-XVIII (A).

2 Observations during the inspection. The lake is almost full with water.

There is no inlet & outlet to the lake, the source of water into the lake is rain water.

No discharge of untreated sewage into the lake is observed.

Even though no inlet source is observed into the water body, however BOD value indicate contamination, which may be due to washing of the clothes in the lake by the nearby settlement of about 50 huts located on the North-Eastern portion of the lake.

Photographs of the same are enclosed as Annexure-XVIII (B) ACTION TAKEN: Board issued notice to the Nizampet Municipality to take necessary measures to ensure no contamination of water body.

19. AmeenpurPeddaCheruvu, Ameenpur (V&M), Sangareddy District S. Description of Action Point Remarks No. 1 Details of the sample collected from the The Board Officials collected sample water body to ascertain the category of from the water body on 12.05.2021. Water quality as per CPCB Water quality criteria. As per the analysis report, the water quality of the water body, as per CPCB Water quality criteria is „D .

Copy of the analysis report is enclosed as Annexure-XIX (A).

2 Observations during the inspection.

>Ameenpur lake is naturally occurring water body and is rain fed. It is surrounded by Ameenpur village on west side, Open land followed by Ganesh Nagar, Sri Vani Colony and Vediri Township followed by Bachupally IDA on East side, Open land followed by residential colonies on North side, open land followed by HMT Swarnapuri Colony on South side. The Ameenpur village is adjacent to AmeenpurCheruvu in the West direction in the downstream of the Cheruvu.

> There are three feeder drains joining the lake from upstream of catchment area.Drain - I beside M/s. ACE Tyres, IDA, Bachupally, Medchal- Malkajigiri District, drain - II from IDA, Bachupally& drain - III from the colonies in the South side are present. The two drains i.e., drain - I beside M/s. ACE Tyres and drain - II from IDA, Bachupally are joining in-front of Gate-I of M/s. Hindustan Coca Cola Beverages Pvt. Ltd., which is finally terminating in Ameenpurcheruvu along with the drain-III carrying joining domestic effluents from Sri Vani colony & HMT colony area.

>The drain - I beside M/s ACE Tyres is originating in the upstream of the IDA Bachupally where high rise apartments and colonies have been constructed, where the untreated domestic sewage generated from the colonies are joining into the drain. Many new residential colonies like HMT colony, Vani nagar colony. Vediri Township, Swarnapuri Colony etc, have come up in the recent years in catchment area of the tank and all the sewage is directly joining the drain - III and lake without treatment.

> 10 No's industries are located on upstream of AmeenpurPeddaCheruvu lake. All these industries have been reviewed by the Board and directions were issued not to discharge any waste water outside the premises. To ensure effective monitoring, industries were directed to install IP Cameras at various locations to ensure no discharges into the drains.

> The Board officials have inspected these industries on 12.05.2021 & 13.05.2021 and observed no discharges from these industries.

> The finger print analysis of samples collected from the cheruvu and the drains in April, 2020 indicate "No compounds detected", which indicates that there is no discharge of industrial effluents into the cheruvu.

>Photographs of the same are enclosed as Annexure- XIX (B). > Google Map of the water body > Google Map showing the water showing the surroundings. body and its surroundings is enclosed as Annexure XIX (C) Details of the industries:

S. No Name & location of the Compliance Industry 1 M/s.Aurobindo Pharma Industry is maintaining records of Ltd., (Unit - XII), fresh water consumption / waste (Formulation Division), water generation / lifted to CETP.

Sy. No. 314, Bachupalli During the period Nov 2020 to (V), Medchal-Malkajigiri Apr 2021, the industry has lifted 61.56 District KLD of LTDS effluents, which is within the permitted quantity of 90 KLD.

The industry has disposed 26.47 MT of off-specification products and other hazardous wastes to authorized agencies during the period Nov 2020 to Apr 2021.

The industry has provided rain water collection tanks of capacities 3.5 KL and 20 KL for collection of 1st rain water runoff.

Installed 3 IP cameras for monitoring any discharges outside the industry.

02 IP cameras on drains and 01 IP camera at effluent loading area.

2	M/s.Aurobindo Pharma Ltd., (Formulation Research & Development (RC-I), Sy.No.313, Bachupalli (V), MedchalMalkajigiri District	The unit has disposed 35.4 KLD of LTDS wastewater during the period Nov 2020 to Apr 2021, which is within the consented quantity of 60 KLD. The industry has disposed 1.23 MT of off-specification products and other hazardous wastes to authorized
---	---	---

agencies during the period Nov 2020 to Apr 2021.

Both units (Unit-XII & RC-I) are located in the same premises, the industries have provided 3 nos. of common cameras for both units.

02 IP cameras on drains and 01 IP camera at effluent loading area.

3 M/s. TFL Leather During the period Jan 2020 to Technique (P) Ltd., Dec 2020, the industry has (Formerly M/s. Quinn manufactured 48.6 TPM which is International Pvt. Ltd.), within the consented quantity of 1458 Sy.Nos. 313 ,314, 325, TPM.

326 & 343, Bachupally Industry has provided separate flow (V), Quthbullapur (M), meters for LTDS & HTDS effluents and Medchal-Malkajigiri has lifted 600 KL of HTDS and 1200 KL District of LTDS to during the period Jan 20 to Dec 20.

The industry has disposed 24.4 Tons of hazardous wastes to TSDF, Dundigal during the period Jan 2020 to Dec 2020.

Installed 4 IP cameras for monitoring any discharges outside the industry.

03 IP cameras on drains and 01 IP camera at effluent loading area.

4 M/s. ACE Tyres Pvt. Ltd., During inspection, no discharge of Sy.No.314 & 315, effluents into the drain was observed. Bachupally (V), The industry has provided flow Quthbullapur (M), meter to assess the LTDS water being Medchal-Malkajigiri disposed to CETP. District Installed 4 IP cameras for monitoring any discharges outside the industry 03 IP cameras on drains and 01 IP camera at effluent loading area.

5 M/s. Excel rubbers During inspection, no discharge of (Formerly M/s. Venus effluents into the drain was observed. Elastomers (P) Ltd.,) Sy. The industry is not generating any Nos. 315 & 316, effluents. Only domestic effluents are Bachupally (V), being generated which are being Quthubullapur (M), disposed through septic tank. Medchal-Malkajigiri Installed 2 IP cameras for monitoring District any discharges outside the industry.

03 IP cameras on drains and 01 IP camera at effluent loading area.

6 M/s. Vilas Polymer During inspection, the industry was Limited, Sy. No. 312, not in operation.

	Bachupally (V),	The industry is not in operation since
	Quthubullapur (M),	2017
	Medchal-Malkajigiri	
	District.	
7	M/s. N.S.Engineering	Industry generates only domestic
	Private Limited, Sy.Nos.	effluents which are being lifted to
	312 & 313, Bachupally	M/s.JETL, Jeedimetla.
	(V), Quthubullapur (M),	The industry has lifted 620 KL of
	Medchal-Malkajigiri	LTDS effluents to M/s.JETL during the
	District	period Apr 2020 to Mar 2021.

Installed 2 IP cameras for monitoring any discharges outside the industry.

01 IP cameras on drains and 01 IP camera at effluent loading area.

8 M/s. VEM Technologies Industry generates only domestic Pvt. Ltd., Sy. No. 314, effluents which are being lifted to Bachupally (V), M/s.JETL, Jeedimetla.

Quthubullapur (M),	
Medchal-Malkajigiri	The industry has lifted 560 KL of
District.	LTDS effluents to M/s.JETL during the
	period Apr 2020 to Mar 2021.

Installed 2 IP cameras for monitoring any discharges outside the industry.

01 IP cameras on drains and 01 IP camera at effluent loading area 9 M/s. Excel Industries, During inspection, the industry was Plot No: 68 to 77, not in operation. The unit is not in Sy.No.311 & 312, IDA, operation since 4 months. Bachupally, Medchal-

Malkajigiri District 10 M/s. Hindustan Coca Industry is treating the trade Cola Beverages Private effluent, consisting of washing, boiler Ltd., Sy. No. 169, blow down and cooling bleed-off in Ameenpur (V), biological ETP followed by Ultra Patancheru (M), Filtration (UF) and RO systems. The RO Sangareddy District permeate is recycled for process & utilities and RO rejects are evaporated in MEE.

The domestic effluents after treatment are disposed to PETL, Patancheru.

No discharges were observed from the industry.

Remarks:

>The Board officials inspected 19 water bodies including AmeenpurPeddaCheruvu to ascertain the water quality and the source of contamination.

Out of 19 water bodies, 7 water bodies are in dry condition as there is no water, 3 are falling under „Class-B' as per the CPCB water quality criteria. Out of remaining 9 water bodies, 8 water bodies are in „Class-D' and 1 is in „Class-E' category. During the inspection of these water bodies, it was observed that the contamination was due to discharge of sewage or surface runoff from the nearby residential areas. No industrial discharges were observed.

The Board issued notices to the local bodies of 9 water bodies directing to take necessary measures and submit Action Plan to control the pollution Annexure-XX.

>AmeenpurPeddaCheruvu As regards AmeenpurPeddaCheruvu, the analysis report indicates the water quality as „Class-D' category. During inspection, it is observed that the Cheruvu is surrounded by residential areas and domestic sewage from the nearby residential area is joining the Cheruvu. There are 10 industries located in the upstream of the Cheruvu.

The Board has earlier reviewed these industries and directions were issued not to discharge any waste water outside the premises. To have effective monitoring, the industries were also directed to provide IP cameras at various places to ensure no discharges into the drains. The industries have provided IP cameras and Board is regularly monitoring the same. During the inspection, it was observed that there were no discharges from the industries. The Board issued notice to the Ameenpur Municipality.

The Hyderabad Metropolitan Water Supply & Sewerage Board (HMWS&SB) has proposed 28 MLD Sewage Treatment Plant (STP) at the upstream of Ameenpur Lake. The DPR of the STP is under preparation.

4. It is seen from the report that there are lot of improvements to be done for the purpose of improving the water quality in the water bodies. Further, some of the lakes were found to be dry due to the obstructions caused in the inlets and the outlets and due to not making any proper maintenance of the same.

5. It is time and again re-iterated that the water bodies will have to be protected against encroachment and pollution. It has to be properly maintained as it plays a great role as a water storing reservoir during the rainy season and it can be used for several purposes if it is properly maintained or treated and it will help in conserving the aquatic biodiversity and also attract birds.

6. There is a duty cast on the State Government and its departments and its regulators like Pollution control Board and the local bodies to be proactive in implementing the environmental laws in its letter and spirit to protect environment and avoid the water bodies being polluted as there is a constitutional mandate giving them a responsibility to protect the environment as contemplated under Article 48 (A) of Constitution of India and Right to Clean Environment is a part of Right To Life as enshrined under Article 21 of the Constitution of India. This is being reiterated by the Hon'ble Apex Court as well as this Tribunal in several matters of similar nature that no water body should be allowed to be encroached by the miscreants so as to reduce its storing capacity as it acts as great role in protecting environment apart from providing water for drinking and irrigation purposes. In spite of all those things, none of the Governments are very much serious about protecting the environment.

7. Further, the photograph produced along with the report submitted by the Telangana State Pollution Control Board (TSPCB) show the manner in which the water bodies are maintained and the pathetic conditions under which the water bodies are.

8. Though directions have been given to the Public Works Department (PWD) and the Irrigation Department to submit their independent report regarding the steps taken by them for protecting the water bodies, they have not come with any independent report so far.

9. The Hyderabad Metropolitan Development Authority (HMDA) also had not submitted any independent report regarding the steps taken by them for protecting the water bodies in their area. When this was pointed out, the learned counsel appearing for the respective Government Departments wanted some more time for filing their statements.

10. The local bodies, the Lake Protection Committee and the Telangana State Pollution Control Board (TSPCB) are directed to come with the proper action plan as to how they are going to protect the water bodies including the maintenance of inlets and outlets of each water bodies to make the water bodies alive rather than making them dysfunctional on account of the obstruction to flow of water into the water bodies. The action plan should spell out the shorter time line within which they can be able to implement the same to protect the water bodies as has been committed under Article 48 (A) of Constitution of India."

Order dated 8.9.2021

10. The matter was further considered on 08.09.2021 in the light of different reports. The Tribunal noted the action plans in the status report filed by the Chief Secretary. Action points include erecting of boundary pillars along the FTL boundaries of water bodies, maintenance of inlets and outlets, notification of the lakes, construction of underground drainage, septage management, solid waste management, effluent management and construction of STPs. It was also noted that the HMDA, Irrigation and CAD Department, Lake Protection Authority and PWD will take further action, apart from merely issuing notices. Noticing deficiencies in the action taken, further reports were directed to be filed. The Tribunal rejected the application of the alleged encroachers with the observation that they could take remedies about the title dispute at any other appropriate forum and it was necessary to decide inter se dispute between the encroachers and the Departments. Respondents Nos. 13 to 20, who are the alleged encroachers have filed also their counter affidavit. Operative part of the order is reproduced below:

"2. Thereafter, the State of Telangana has filed a status report dated 26.06.2021, e-filed on 28.06.2021 and received on 12.07.2021 which reads as follows:-

"Status Report of the Chief Secretary, State Telangana (Respondent No.1) in Original Application (OA) No.156 of 2016 pertaining to lakes in Ameenpur (V&M), Sangareddy District, Telangana State:

It is to submit that OA Nos. 115 156 of 2016 were filed in the Hon'ble NGT by Human Rights and Consumer Protection Cell Trust and Others regarding the encroachments made and Pollution of the Water Bodies in Ameenpur (V&M), Sangareddy District, Telangana State.

The Hon'ble NGT has given following directions vide orders dated 27-05-2021:

1. Hyderabad Metropolitan Development Authority (HMDA) and Irrigation Department to submit independent reports regarding protecting the water bodies

2. The PCB, local bodies and LPC are directed to submit action plan for protection of water bodies including the maintenance of inlets and outlets to make the water bodies alive. The action plan should specify shorter time lines within which they can be able to implement the same In compliance to the Hon'ble NGT directions, TSPCB in consultation with the Stakeholder Departments has prepared an Action Plan on the removal of encroachments and restoration of Water Bodies of Ameenpur along with timelines:

I. Proposed Action Plan with the Activities, responsible Line Departments and the timelines:

S. Department Action points & present status Timelines No.

1. Revenue Serving of notices to illegal 30 June, Department, encroachments 2021 Sangareddy Removal of the encroachments: 1st week of July, 2021 Removal of 55 encroachments with only basements Allotment of the land for STP 31st July,

2.. I&CAD Protection of water bodies:

Erecting boundary pillars all along the FTL boundaries of the water bodies, to prevent further encroachment. November, The administrative sanction for the work of erection of boundary pillars costing Rs. 64.40 Lakhs is accorded vide G.O. RT. NO. 226 I & CAD (MI) Dept Dt. 18.06.2021 and the tendering process of the same is under progress.

Maintenance of Inlets and Outlets:

Detailed survey of the catchment area, identification of inlets and outlets of water bodies will be taken up by engaging specialists in survey February, work. Based on the 2022 recommendations of the survey report, the restoration works of inlets and outlet channels and removal of obstructions to water flow will be taken up.

3. HMDA/Lake Notification of the remaining lakes July, 2021 Protection Committee

4. Ameerpur& Construction of the Under Ground July, 2021 Local drainage (UGD) for diversion of the Bodies: sewage water.

Septage management: To continue The sludge is being collected and transported to the HMWSSB Co-

treatment facilities of Khajaguda or Nanagakramguda STPs.

5 operators are empaneled with HMWSSB.

Storm Water Drains construction July, 2021 Solid Waste management: To continue Segregated Municipal solid waste is being collected from households on daily basis.

Removal of water hyacinth June, 2021 Establishment of Transfer Station July, 2021

5. HMWSSB Administrative Sanction for the STP 2 years from Construction of the STP issue of work

6. TSPCB Industrial Effluent management: Continuous activity Monitoring of the industries through IP cameras Inspection of the Industries and Quarterly initiating action on the non-compliances.

Monitoring of the lakes and sharing Monthly the information of the water quality with the stake holder departments.

II. Further, direction was issued in the order dated:27-05- 2021 that, the Chief Secretary and the concerned Principal Secretary will also file their status report regarding the implementation of the decisions taken in the lower level for the purpose of protecting the water bodies mentioned in these cases before the next hearing date.

In compliance to the above and in continuation to the activities submitted by the Government through its report dated 412-2020, the status of the implementation of the activities by the concerned departments are submitted below:

1. Whether the FTL has been fixed for the water bodies.

FTL survey of all the 14 water bodies in Ameenpur Village is completed and the FTL Points were fixed.

2. Whether any Buffer zone of the water body fixed from the FTL to declare that as Non-Development zone.

The FTL boundary and corresponding buffer zone boundary is fixed for all the water bodies and clearly marked with geo-coordinates in the FTL maps as per the conditions stipulated under G.O.Ms.No 168 of MA&UD Department, Dated: 07-04-2012. Accordingly cadastral maps of all the water bodies are prepared.

The statements pertaining to the fixing of the FTL, buffer zone are placed at Annexure-I. The Cadastral maps of all water bodies are prepared and copies of the same are placed at Annexure-II. HMDA has issued final notification for lakes, preliminary notification for lakes and issue of preliminary notification for the remaining lakes is under process.

3. Whether all the water bodies were inventorised and notified under the wetlands (Conservation Management) Rules, 2017.

All the fourteen (14) Water Bodies in Ameenpur village have been inventorised. Further, it is submitted that the human made water bodies/tanks does not come under wet lands as per part II section (1) of the Wetlands (Conservation and Management) Rules 2017.

4. Whether there exists any encroachments and if so what steps taken by the authorities to remove the same.

The identification of encroachments and enumeration of structures falling under FTL and Buffer zone of 14 water bodies are completed.

A total of 881 encroachments are identified in 11 Water Bodies (Annexure-III). There are 770 permanent structures (724 residential houses, 35 indiramma houses and Religious structures) and 111 temporary structures (56 houses 55 vacant plots).

Notices were issued to 780 structures under section 23 of Telangana Water, Land and Trees Act (WALTA).

Remaining notices could not be issued as owners could not be identified. Ameenpur Municipality issued notices to 637 identified encroachers under the Town Country planning rules.

259 replies were received from the encroachers submitting that, they are residing in those houses for the past 20 years with necessary permissions and also have been facilitated with basic amenities.

The statement of encroachments in the FTL area is placed at Annexure-III.

5. What are the steps taken to prevent further encroachments of the water bodies and restoration of the water bodies which have been recovered.

a. Steps taken to prevent further encroachments:

i. FTL, buffer and fencing: The FTL and Buffer zones are fixed for all the 14 lakes. The Irrigation department is sanctioned with an amount of Rs.64 .40 lakhs and is in the process of erecting the fencing pillars at the boundaries of the FTL.

ii. Constitution of vigilant teams: The Lake Protection Committee Meeting was conducted and formed vigilant teams comprising of members from Revenue, Irrigation, Municipality, HMDA and Police Departments to safeguard and to protect the water bodies.

iii. Point Person: Tahsildar is appointed as 'Point Person' for each water body under their jurisdiction. Display boards erected at every water body mentioning the name and phone number of the "Point Person" and the Girdawar of the Mandal concerned is made Supervisory Officer.

b. Restoration measures taken and under progress:

iv. Repairs and Restoration works of 10 water bodies of Ameenpur Village: The works has been taken up under Prestigious Mission Kakatiya program such as Bund strengthening, Repairs to weir and sluice etc with sanction amount of Rs.496.00 Lakhs. The details of which are placed in Annexure-IV v. 28 MLD STP at AmeenpurPeddacheruvu: DPR is prepared for construction of 28 MLD STP at AmeenpurPeddacheruvu with an estimate of Rs.101 Crores. The administrative sanction is under process. The land required for construction of the STP is acres, out of which 1.2 acres is already allotted to HMWSSB and remaining 2.8 acres land

allotment is under process.

vi. Storm water drain network construction is under progress at the following locations:

a. To divert excess water flow from Upstream areas to Uskebavi, 450 pipe line was laid (60% of work is completed) and remaining work will be completed by 30th June, 2021.

b. To divert excess water flow from Upstream of Shambunikunta, 850 pipe line was laid with an amount of Rs.50.00 lakhs.

vii. Underground Sewage Network is under progress at the following locations a. The work is in progress in Ameenpur municipality for ensuring 100% Under Ground Drainage(UGD) lines and ensuring that no UGD line is being connected to the Water Bodies.

b. An amount of Rs.1 crore for the main trunk line (2.2 KM) for diverting the sewage from upstream into Sambicheruvu is in Progress. 50% work is completed and the remaining work will be completed before July, 2021.

c. The main trunk line of 600 mm dia. up to length of 450 is being laid for diverting the sewerage from the Upstream of Bandamkommuchervu with an amount of Rs 49.00 Lakhs. The work will be completed before July, 2021. Further, notices were issued to Upstream Residential colonies for constructing STP. The survey for Construction of Sewerage treatment Plant (STP) is in progress.

d. Detailed DPR is being prepared for the requirement of new STPs to meet the demands of the existing population through private agency -NCPE and is in progress.

viii. Septage Management: The sludge collected is brought to the Co-treatment facilities of Khajaguda or Nanagakramguda STPs. operators are empanelled with HMWSSB for the Ameenpur and surrounding areas.

ix. Water Hyacinth: The removal of the water Hyacinth in the water bodies will be completed by the end of the June, 2021.

6. Is there any dumping garbage and discharge of non- treated sewage or trade Effluent into the water bodies and if so what action was taken.

i. Garbage Dumping:

There is no garbage dumping in any of the above lakes and measures taken for solid waste management are as follows:

11 No.s of Sanitation vehicles and 70 no of private vehicles are deployed for ensuring 100 door to door garbage collection, on daily basis.

The collected garbage being segregated at existing Dump yard and Construction of new DRCC center with estimated cost of Rs.38.00Lakhs is in progress. The Bio-mining of existing legacy waste at Ameenpur dump yard is under operation since January 2020.

Around 32MT of the daily door to door garbage which is collected from residential and commercial establishments is being transported to Jawaharnagar MSW facility since January 2020 for further processing.

ii. Discharge of untreated sewage:

Sr. Sewage Details of the Water Bodies Water Gist of Water No. inlets Quality quality of ClassificationWater Bodies

1. No 1. Shetty Kunta, Pre-monsoon Pre-monsoon pollution 2. Gandhi Kota B class range of

3. Kummari Kunta concentrations

4. Uba Kunta/Dubba Kunta are as follows:

2. Sewage 1. Sambicheruvu/SandudunteKunt Pre-monsoon i. Faecal flow a D class Coliform -

through 2. Bandamkommu not present, drains 3. AmeenpurPeddaCheruvu ii. Total Coliform -

3. Surface 1. Uskebavi Kunta Pre-monsoon Ranging runoff 2. Shambuni/Devuni Kunta D class from 24 to from 3. KothaCheruvu 1600 upstream MPN/100 residential ml areas iii. BOD -

ranging

4. Lakes 1. Pochamma Kunta from 2.8 to that are 2. Upparivani Kunta 13 mg/l dry during 3. Koneti Kunta iv. DO- ranging summer 4. Kunta Shikam from 2.0 to 6.4 mg/l Monsoon range:

i. Faecal Coliform -

not present, ii. Total Coliform -

Ranging from 21 to MPN/100 ml iii. BOD -

ranging from 2.1 to 9 mg/l iv. DO- ranging from 3.7 to 6.8 mg/l The concentrations are generally higher in pre-

monsoon season when compared to post monsoon iii. Trade Effluents:

It is to submit that, only one lake
(AmeenpurPeddacheruvu) catchment has 10

industries. The details of the industries are placed at Annexure-V. The finger print analysis carried out by the TSPCB in the drains and in the lake didn't reveal any contamination from these industries.

The 10 industries are located in upstream of AmeenpurPeddaCheruvu Lake are permitted to operate without any outside discharges. Treatment through Zero Liquid Discharge or CETP membership) The fingerprint analysis of samples collected from the tank and the drains in April 2020 indicate no discharge of industrial Effluents into the lake.

All these industries have been reviewed by the Board and issued with directions of not to discharge any waste water outside the premises.

As per the directions issued by the Board, all these industries have installed IP cameras on the drains adjacent to the industries and at the Effluent loading area. The IP cameras are connected to the TSPCB server.

The Board officials inspected these industries on 12th 13 May, 2021 and observed no discharges.

7. While considering the water quality of the water bodies they should also consider the quantity of the faecal coliform and total coliform as one of the criteria of fixing the standard of water as directed by the principal bench of the National Green Tribunal New Delhi in similar matters and what are the steps taken for treating the water if contaminated to make it potable water as well as irrigation purpose.

It is to submit that Total Coliform and Faecal Coliform are also being monitored in the lakes. The water quality is in the range of category as per CPCB criteria. (The lake water in the category is fit for irrigation purpose). The ongoing measures submitted above will further improve the quality of the water. The water bodies will be monitored by TSPCB on monthly basis to ascertain the water quality to sensitise the stakeholder departments for initiating necessary measures if required.

The Government of Telangana has taken up massive Programme 'Mission Kakatiya' for restoring the water bodies and to increase their water holding capacity. The Government is committed for safeguarding and restoration of the water tanks in the State and shall take all steps, as per the directions of Hon'ble NGT, for the restoration of Ameenpur Lakes."

3. The Executive Engineer, Lake Protection Committee Cell, Hyderabad Metropolitan Development Authority has filed a status report signed on 28.06.2021, e-filed on the same day and received on 12.07.2021 which reads as follows:-

"Report Dt: 28/06/2021 by the Lake Protection Committee, HMDA

1. It is respectfully submit that in order to ensure Preservation and Protection of lakes & water bodies in Hyderabad Metropolitan Area, the Government has constituted the Lake Protection Committee (LPC) vide G.O. Ms.No. 157, MA & UD (11) Dept., dt. 06.04.2010(copy enclosed). The Lake Protection Committee in its meeting has resolved to take up the identification & listing of Lakes/Water bodies in the Hyderabad Metropolitan Area(HMA) duly appointing a consultant and was directed to work in coordination with Revenue, Irrigation and Urban Local Bodies(ULB) officials for preparation of the FTL maps after completing the survey of each lake. Upon certification made by the concerned stake holder departments i.e., Irrigation & Revenue the FTL/Cadastral maps are notified (Preliminary Notification) and kept in the website of HMDA for public awareness.
2. It is respectfully submit that in respect of NGT OA.No. 156/2016 in particular, it is to submit that total (14) lakes pertaining to Sanga Reddy District Ameenpur Mandal and village are referred in NGT No.156/2016. All (14) lakes are preliminarily notified and placed in the web site of HMDA. Out of the (14) lakes preliminarily notified (4) lakes are finally notified and placed in the Web site of HMDA. Out of the (14) lakes, (2) lakes namely Uba Kunta/Duba Kunta and Shetti Kunta with Lake ID 1200/31 are located adjacent to each other, hence, taken as a single lake with ID 1200/31 which is preliminarily Notified on 07.06.2014 and finally notified on 18.02.2021 and (2) lakes namely PeddaCheruvu and KothaCheruvu are taken as single lake with ID 1200/34 which is preliminarily notified on 20.03.2017.
3. It is respectfully submitted that the Lake Protection Committee in the meeting has resolved for constitution of District Level Lake Protection Committee and requested the concerned District Collectors to ensure that each District shall have Lake Protection Committee and the said Committee shall include the Superintendent of Police as a member. As a follow up action, the District Collector Sanga Reddy District has already constituted the Lake Protection Committee for Protection and Preservation of Lakes in the District. The other District Collectors as being pursued by the Lake Protection Committee to constitute the District Level Lake Protection Committee at the earliest.
4. It is respectfully submitted that the Nala system prevalent in the city is being up under the strategic NalaDevelopmentProgramme(SNDP) within ORR for the purpose of detailed study and its connectivity network in order to reduce the flood effects that has been experienced during the recent heavy rains and the same strategy would be worked out for other parts of Hyderabad Metropolitan Area.
5. It is respectfully submit that to avoid delay in notification, vide GO.Ms.No.74 dt.24.04.2021 of MA& UD(I) Dept, Addl. Collectors of Local Bodies of (7) Districts falling under Hyderabad Metropolitan Area have been appointed as Nodal Officers and entrusted the responsibility of field work of Lake Protection Committee showing the lakes to the Consultant physically, resolving the discrepancies in FTL maps of

Irrigation department and Revenue statements, coordinating and attending meetings convened by HMDA at all stages till final notification.

6. It is respectfully submit that, HMDA being the Nodal Agency, has made/making all efforts to pursue the stake holders i.e., Members of the Lake Protection Committee, in expediting the completion of detailed survey of each lake and certification by the concerned Irrigation and Revenue officials preserve and conserve the lakes falling within Hyderabad Metropolitan Area."

4. The Special Chief Secretary to Government, Irrigation & CAD Department, Telangana has filed a further report dated 25.06.2021, e-filed 28.06.2021 and received on 12.07.2021 which reads as follows:

"ACTION TAKEN REPORT FILED BY THE SPECIAL CHIEF SECRETARY TO GORVENMENT, IRRIGATION & CAD DEPARTMENT.

There are 14 water bodies covered under NGT case No. 156/2016. As per the orders dated 27-5-2021 of the Hon'ble NGT, Chennai the action taken report as follows:

A. PRESENT STATUS OF ACTION TAKEN BY IRRIGATION & CAD DEPARTMENT

1. Fixation of FTL and Buffer Zones status of fourteen water bodies of Ameenpur Village.

FTL survey of all the 14 water bodies in Ameenpur Village is completed and fixed the FTL points.

2. Fixation of Buffer Zone to declare that as Non- Development zone:

The FTL boundary and corresponding buffer zone boundary is fixed for all the water bodies and clearly marked with geo coordinates in the FTL maps as per the conditions stipulated under G.O.Ms.No 168 of MA&UD Department, Dated: 07-04-2012 and accordingly cadastral maps of all the water bodies are prepared and submitted to HMDA.

3. Inventorization of water bodies.

All the fourteen (14) water bodies in Ameenpur village have been inventorized. Further it is submitted that the human made water bodies/tanks does not come under wet lands as per part II section 3 (1) of wetlands (Conversation and Management) rules 2017.

4. Identification of encroachments of the water bodies Joint Inspection conducted for fixing the FTL and buffer zone boundaries along with Revenue and Municipal authorities. The identification of encroachments and enumeration of structures falling under FTL and Buffer zone of 14 water bodies are completed.

The teams have been formed to enumerate the encroachments in the Water Bodies of Ameenpur Mandal and the teams have enumerated the encroachments in the Water Bodies as under.

a. There are no encroachments in remaining (3) water bodies 1. Kummari Kunta 2. Kunta Shikam and 3. Gandhi Kunta.

b. (835) notices have been prepared. The notices have been served to (780) encroachers under WALTA Act, 2002, calling explanation as to why their residential houses / constructions should not be dismantled / removed from the FTL / Buffer Zone areas of the Lakes / Tanks within (15) dates from the date of receipt of the notice.

c. Out of the (881) encroachments notices could not be served to the (35) Indiramma Houses, (11) Religious structures and (55) Open Plots and Basement whose owners could not identified.

d. (259) replies received from the encroachers, they have stated that they are residing in those houses for the past (20) years, duly obtaining necessary permissions from the then Gram Panchayat, Ameenpur Municipality and HMDA and they have also been facilitated with basic amenities like roads, water supply and electricity by the concerned authorities.

e. The details of water bodies for which preliminary and final notifications have been published by the HMDA, Hyderabad.

5. Protection works to safeguard water bodies:

(i) The Lake Protection Committee Meeting was conducted and formed vigilant teams comprising of members from Revenue, Irrigation, Municipality, HMDA and Police Departments to safeguard and to protect the water bodies. Tahsildars appointed 'Point Person' for each water body under their jurisdiction who will have a constant watch over the water body to prevent encroachments in the water body area. Further sign boards are erected at every water body mentioning the name and phone number of the "Point Person" so that any person can inform the "Point Person" regarding encroachment.

Further, the Girdawar of the Mandal concerned is made the Supervisory Officer for the Point Persons appointed.

ii) Repairs and Restoration works of 10 water bodies of Ameenpur Village has been taken up under Prestigious Mission Kakatiya program such as bund strengthening, Repairs to weir and sluice etc with a sanction amount of Rs.496.00 Lakhs.

ACTION TAKEN
SECRETARY TO
DEPARTMENT

REPORT BY THE SPECIAL CHIEF
GOVERNMENT, IRRIGATION & CAD

S. No.	Action Plan	Timeline proposed for completion	Periodical Status Report
1	Protection of water bodies: To protect the water bodies from further encroachments it is proposed to erect boundary pillars all along the FTL boundaries of the water bodies. The administrative sanction for the work of erection of boundary pillars is accorded vide G.O. Rt. No.226 I & CAD (MI) Dept Dt:18.06.2021 for Rs. 64.40 Lakhs	November, 2021	Work is tendered and entrusted to Contractor vide SE/I C/Sangareddy Agreement' No.08/2021-22 Dt. 17.08.2021 for erecting boundary pillars all along the FTL boundaries of the water bodies and the work is under progress and will be completed as per the schedule i.e by November 2021.

2 Maintenance of inlets February, 1. Preliminary and outlets: 2022 Investigation and For the maintenance of physical verification inlets and outlets, the of the inlets and detailed survey of the outlets of water catchment area, bodies is completed.

identification of inlets 2. Collection of and outlets of water data, preparation of bodies will be taken up Maps are completed by engaging specialists 3. Conducting of in survey work. detailed survey is in Based on the process and will be recommendations of the completed by survey report, the February, 2022 restoration works of inlets and outlet channels and removal of obstructions to water flow will be taken up

5. The Special Chief Secretary to Government, Irrigation & CAD Department, Telangana also filed an action taken report dated 07.09.2021, e-filed on 08.09.2021 and received on the same day which "The ACTION PLAN OF IRRIGATION & CAD DEPARTMENT S. Department Action Plan Timeline No. 1 I & CAD Protection of water bodies: November, To protect the water bodies from further encroachments it is proposed to erect boundary pillars all along the FTL boundaries of the water bodies. The administrative sanction for the work of erection of boundary pillars is accorded vide G.O, Rt. No.226 I & CAD (MI) Dept Dt:18.06.2021 for R.s 64.40 Lakhs and the tendering process of the same is under progress 2 Maintenance of inlets and February, outlets: 2022 For the maintenance of inlets and outlets, the detailed survey of the catchment area, identification of inlets and outlets of water bodies will be taken up by engaging specialists in survey work. Based on the recommendations of the survey report, the restoration works of inlets and outlet channels and removal of obstructions to water flow will be taken up.

6. In the above reports, it is not mentioned as to what is the present stage, after removal of encroachments. Further, it is also not clear from the report submitted as to whether there was any

encroachment in SakhiCheruvu comprising in Sy. No.615 at Patancheruvu Village and Mandal, Medak District which was specifically mentioned in O.A. No.115/2016. As per the earlier order, we have directed the authorities to file a detailed report regarding this Cheruvu as well, but no such exercise has been done by the authorities and whatever reports filed, they are only relating to the water bodies mentioned in O.A. No.156/2016 alone.

7. When this was pointed out, the learned counsel appearing for the State of Telangana submitted that if some time is granted, they will come with a proper report in respect of the same as well.

8. The learned counsel appearing for respondents 21 to 23 in O.A. No.156/2016 submitted that his clients are unnecessary parties and they have been unnecessarily dragged on account of certain litigations pending between them and the applicant and they have nothing to do in the Cheruvu as alleged in the application. Though there were certain observations made in the status reports that certain encroachments were identified, they have not mentioned the name of the persons and also the status of the action taken, except stating that certain notices have been served.

9. So, the concerned departments are directed to submit report as to whether any of the party respondents shown in the proceedings have been found to have encroached into any portion of the water body and whether any action has been taken against them in this regard.

10. Though there was an admission that certain walkway was constructed in that lake, it is not clear from the reports as to whether that walkway has been removed after fixing the buffer zone and FTL of the said water body namely, SakhiCheruvu which was seen from the photograph produced by the applicant in O.A. No.156/2016. So, the concerned authorities namely, the Lake Protection Committee and Public Works Department and Irrigation Department are directed to submit a detailed report regarding the same as well and also further progress in respect of the action taken as mentioned in the action taken reports regarding the removal of the encroachment etc.

11. The applicant filed I.A. No.67 of 2020 in O.A. No.115/2016 stating that there was violation of the order passed by this Tribunal dated 17.05.2016 in respect of the walkway that has been constructed. There was only a status quo order passed. According to the applicant, this Status Quo order was violated by the concerned department who had constructed the same. So, the authorities are also expected to explain whether after the status quo order passed by the Tribunal in O.A. No.115 of 2016 dated 17.05.2016, any further work has been done in that Cheruvu so as to ascertain the nature of allegation of violation said to have been committed by the Greater Hyderabad Municipal Corporation.

12. None of the reports filed by the State Departments have touched this aspect. When this was pointed out, the learned counsel appearing for the State of Telangana submitted that they will come with a further report in this regard as well.

13. This interlocutory application [I.A. No.130/2020 in O.A. No.115/2016] was filed by the third party who wants to come on record, as he is also interested in protecting the water body, which is the subject matter in this application. Since the applicant in the original application prosecuting the

matter, we do not think that there is any necessity to implead any other person as a party to the proceeding, so as to protect the water as claimed by the applicant in the interlocutory application, after lapse of four years of filing this application. So under such circumstances, there is no necessity to implead the proposed applicant as party to the proceedings and the interlocutory application is dismissed with above observation and I.A. No.130/2020 in O.A. No.115/2016 is disposed of accordingly.

14. This Miscellaneous Application [M.A. No.118/2017 in O.A. No.115/2016] was filed by the applicant for a direction to the respondent to conduct joint inspection of SakhiCheruvu and submit a detailed report regarding the demarcation and fixation of FTL and buffer zone. Since we have already directed the authorities to submit a detailed report regarding the same, it is not necessary to appoint any joint committee for this purpose. The question of appointing the joint committee only arises, if the official respondents did not file any proper report regarding the same. So under such circumstances, there is no necessity to appoint a Joint Committee at this stage and the M.A. No.118/2017 in O.A. No.115/2016 is disposed of accordingly.

15. This interlocutory application [I.A. No.38/2019 in O.A. No.156/2016] was filed by some third parties who want to come on record as respondents to 78 to 103 on the ground that certain actions are being taken against them. This Tribunal has no jurisdiction to go into the question of right or title of the property etc. The aggrieved persons who are affected by the action taken by the authorities are at liberty to challenge the same before the appropriate forum and this Tribunal is not entitled to go into the title dispute and as such, there is no necessity to implead the applicants in I.A. No.38/2019 as claimed by them. So, this application is dismissed with liberty to those persons to challenge the action taken by the authorities before the appropriate forum in accordance with law. With the above observations and directions, this interlocutory application [I.A. No.38/2019 in O.A. No.156/2016] is disposed of.

16. The concerned authorities are directed to file their respective reports as directed by this Tribunal in both the cases on or before 28.10.2021 by e-filing in the form of Searchable PDF/OCR Supportable PDF and not in the form of Image PDF along with necessary hardcopies to be produced as per Rules."

11. We have heard learned counsel for the parties and perused the record.

Final consideration of the matter and orders

12. The issue which is to be dealt with is the need for preventing and remedying pollution of the water bodies and preventing and removing encroachments which in terms of public trust doctrine requires constant watch and remedial action as an act of good governance. There appears to be unfortunate neglect of such public duties on the part of the statutory and administrative authorities as shown by the admitted factual position about the status of 19 water bodies, inspected by the State Board, quoted in detail in orders dated 27.05.2021 and 08.09.2021. This is also breach of judgement of the Hon'ble Supreme Court in Jagpal Singh, supra. There can be no dispute about the ecological significance of the role of such water bodies. Apart from acting as storing reservoir during rainy

season and conserving aquatic bio-

diversity, they add to aesthetics and help recharge ground water among other environmental functions.

13. The matter has also been dealt with by the Tribunal vide order dated 18.11.2020 in Original Application No. 325/2015, Lt. Col.

Sarvadaman Singh Oberoi v. Union of India & Ors., and directions applicable PAN India have been issued for control of pollution and removal of encroachments in the water bodies in the light of judgements of the Hon'ble Supreme Court as follows:

"8. Accordingly, a consolidated report has been filed by the CPCB on 29.10.2020 in two parts. Part A deals with the aspect of plans for restoration of water bodies and status of their execution while part B deals with the status of compliance of direction relating to water harvesting. The CPCB report points out the need for making a proper and centralized inventory of water bodies, and assessment of their water quality; the absence of a single nodal agency to oversee the management of restoration of polluted water bodies, and water harvesting; and recommends that the relevant Central Ministries, especially MoJS, play an increased and major role in implementation and oversight.

9. We first consider part A of the report. It mentions that 24 States mentioned therein have provided information on the subject which has been compiled in Table 1 and 2 as follows:-

"Based on the information received from the States/UTs, State-wise status on Ponds, Lakes and Restoration of Water Bodies, State-wise Status on Inventorisation, Geo-Tagging, UIN Allocation, Water Quality Assessment, Action Plans for Restoration of Water Bodies Pond compiled and presented at Table 1 and Table 2 below.

Table 1. State-wise Status on Ponds, Lakes and Restoration of Water Bodies
Identified Water Status on Restoration of Water Informati Bodies Bodies on Others
No. of No. of No. of Water submitted (Pynes/ Total No. Water Water Bodies S. Name
of State/UT as Per the Aahars/ of Water Bodies Bodies presently No format Lakes
Ponds Tanks wells/ Selected Restored under circulated Bodies Reservoir Identified
for so far Restoration by CPCB s etc.) Restoratio n Andaman & 1 Nicobar No - - - - 37
--

Andhra Pradesh
(Panchayati Raj
and Rural
Development

	Department, Municipal Administration & Urban								
2	Development (MA & UD) Department, Municipal Administration & Urban Development (MA & UD) Department, Irrigation Department)	No	-		1699	-	13171	9284	
3	Arunachal Pradesh	-	-	-	-	-	-	-	
4	Assam	Yes	17	14	-	-	31	-	
5	Bihar	Yes		50150		51437	101587		
6	Chattisgarh (Department of Panchayat and Rural Development)	Yes	-	-	-	-	1658	68803	
7	Daman & Diu & Dadra & Nagar Haveli	Yes	1	5		-	6	-	
S. No	Name of State/UT as Per the format circulated by CPCB	Informati on submitted	Identified Water Bodies				Status on Bodies No. of Water	Bodies	Selected for Restoratio n
			Lakes	Ponds	Tanks	Others (Pynes/ wells/ Reservoir s etc.)			
8	Delhi	Yes	-	-	-	-	256	49	
9	Goa	Yes	9	-	-	-	9	4	
10	Gujarat	Yes	1939	42119	-	-			
13	Jammu & Kashmir	No	-	2815	-	-	1230	-	
15	Karnataka	Yes	-	-	-	-	33350	-	
16	Kerala	Yes	-	40000	-	-	40000	-	
18	Madhya Pradesh	Yes	-	-	-	-	66438	-	

19 Maharashtra	Yes	-	-	-	-	354	-
20 Manipur	Yes	4	14	-	-	18	-
21 Meghalaya	Yes	2	-	-	-	2	1
22 Mizoram	Yes	9	31	-	-	40	-
24 Odisha	Yes	1	8		2	11	2
27 Rajasthan	No	-	-	-	-	-	12127
Tamil Nadu (Public Works Department (PWD), Director of Town Panchayats)	Yes	-	-	-	-	15658	1317
30 Telangana	Yes	-	-	-	-	46531	27631
33 Uttarakhand	No	-	-		-	-	-
34 West Bengal	No	-	-	-	-	15000	-
Total		2080	169523	1699	51440	413911	132080

"Table 2. State-wise Status on Inventorisation, Geo-Tagging, UIN Allocation, Water Quality Assessment, Action Plans for Restoration of Water Bodies Pond S. Name of State/UT Information Inventory Status on Status on Status on Prioritisation Preparation & Proposed Water Bodies under the Custody of Concerned No submitted as Status as Geotagging UIN Assessment based on Submission of Timelines for Authorities in the State/UT per the Reported Allocated of Water Designated Action Restoration format by States/ Quality of Best Use Plans circulated by UTs Water Bodies Criteria or CPCB in the State Bathing Criteria Compliance 1 Andaman & No Yes No No Not Provided Not Not required Not Provided Port Blair Municipal Council & Andaman Public Nicobar Provided as per A & N UT Works Department.

2 Andhra Pradesh No Yes Yes No No No No Not Provided Panchayati Raj and Rural Development Department , Irrigation Department, Municipal Administration & Urban Development (MA & UD) Department, Municipal Administration & Urban Development (MA & UD) Department, 3 Arunachal No No No No No No Being - Department of Environment & Forest Pradesh prepared for 3 lakes 4 Assam Yes Yes No No Yes No No - Environment and Forest Department, Government of Assam 5 Bihar No Yes Yes No No No No - Environment and Forest Department , Minor Water Resources Department Govt. of Bihar and Rural Development Department, Govt. of Bihar 6 Chhattisgarh Yes Yes Yes Yes Not provided Yes Yes (Pilot - Department of Panchayat and Rural Project) Development, Urban Administration and

Development Department 7 Daman & Diu & Yes Yes No No No No Yes Not provided Daman Municipal Council, Dadra & Nagar District Panchayat, Daman Haveli 8 Delhi Yes Yes Yes No No No Yes - DDA, BDO/REV. (PANCHAYAT), EDMC, SDMC, NORTH MCD, DJB, PWD, CPWD, ASI, FOREST, DELHI ARCHAEOLOGICAL DEPTT., DELHI WAKF BOARD, DUSIB, DSIIDC, JNU and IIT 9 Goa Yes Yes NO Not Yes Yes Yes March 2021 Goa State Wetland Authority (GSWA) ,Goa State provided Pollution Control Board (GSPCB) , 10 Gujarat Yes Yes In Progress No No No No - Panchayat Department, Revenue Department , Water Resources Department), and Urban Development Department) 11 Haryana Yes Yes Yes Yes Partial Partial Yes 2020-2024 The Haryana Ponds and Waste Water Management (14 Ponds) Authority (HPWWMA), Irrigation& Water Resources Dept.Development & Panchayats Department of Urban Local Bodies and Govt./Educational Institutes 12 Himachal Pradesh Yes Partial No No Yes Yes Yes 2020-21 Himachal Pradesh State Wetlands Authority (HPSWA), HPSPCB, RD & UD, H.P. Forest Department 13 Jammu & Kashmir No Partial No No No No No - Forest Department, Wildlife, Soil & Water Conservation Department, Revenue Department, Jammu Municipal Corporation, DERS/Revenue 14 Jharkhand Yes Yes In progress In progress No No Yes Urban Development and Housing Department 15 Karnataka Yes Yes Yes Yes Partial Partial No - Bengaluru Water Supply & Sewerage Board (BWS&SB), Bengaluru Development Authority (BDA) & Cauvery Neeravari Nigama Limited (CNNL).

16 Kerala Yes Yes Yes Yes Partial No Yes 30.03.2022 Irrigation Design and Research Board (IDRB), Irrigation Design and Research Board (IDRB), ULBs 17 Lakshadweep Yes Yes No No Yes Yes September. 2020 -

18 Madhya Pradesh Yes Yes Yes Yes Partial Partial Partial 2020-22 The Environmental Planning and Coordination Organization (EPCO) 19 Maharashtra Yes No Partial No No No Yes - Water Resources Department, ULBs 20 Manipur Yes Yes Yes Partial Yes Yes No - Environment & Climate Change, Water Resources Department, Public Health & Engineering Department, Trade, Commerce and Industries, Manipur Pollution Control Board and Loktak Development Authority 21 Meghalaya Yes Yes No No Yes No Yes - Meghalaya SPCB, Tourism Department, Department of Fisheries, Department of Forest and Environment 22 Mizoram Yes Yes Yes No No No No - Irrigation and Water Resources Department, Govt. of Mizoram 23 Nagaland Yes Yes No No No No Yes 31.03.2022 Public Health Engineering Department, Nagaland Pollution Control Board and Dimapur Municipal Corporation 24 Odisha Yes Yes Yes No No No Yes March, 2022 Orissa Wetland Development Authority , Water Resources Department 25 Punjab Yes Yes Yes Yes No No Yes - Department of Rural Development & Panchayats (DRDP), Department of Local Government, Punjab Pollution Control Board (PPCB) and Directorate of Environment and Climate Change (DECC), Department. of Science, Technology & Environment (DSTE), Government of Punjab 26 Puducherry Yes Yes Yes Yes No No Yes - Irrigation Division of the Public Works Department and the

village ponds lies with the respective Municipalities and Commune Panchayats Under the Local Administration Department.

27 Rajasthan No No No No No No No No Water Resources Department, Government of Rajasthan 28 Sikkim Yes Yes Yes No No No No No - Forest & Environment Department 29 Tamil Nadu Yes - - - - - - - Public Works Department (PWD) 30 Telangana Yes Yes Partial No Partial No Yes One Year Hyderabad Municipal Wafer Supply & Sewerage Board (HMWS&SB), Irrigation & CAD Department (I& CAD) and Hyderabad Metropolitan Development Authority (HMDA (L&P)).

31 Tripura Yes Yes Yes No Partial No Yes Dec, 2020 ULBs/ Urban Development Department, Department of Science Technology & Environment (DSTE), Tripura State Pollution Control Board (TSPCB), Horticulture & Forest Department, District Administration 32 Uttar Pradesh Yes Yes Yes No No No No No - Forest Department, Auraiya, Government of Uttar Pradesh 33 Uttarakhand No - - - - -

34 West Bengal No - - - - - 31.12.2020 Fisheries, P&RD, L&LR & Urban Development, DST, Department of IT, DoE

10. The CPCB has observed that the information given by the States/UTs was not scientific. Proper inventories were required to be made. Water quality was required to be monitored. Instead of different departments dealing with the issue, single agency was required to be set up as a nodal agency for restoration of all water bodies in the States/UTs. It was also necessary to constitute Wetland Authority in every State/UT as per Wetland (Conservation and Management) Rules, 2017. The said authority can be given responsibility for restoration of water bodies or a separate body for the purpose can be set up on a pattern of Haryana, Madhya Pradesh and Mizoram. The Ministry of Jal Shakti can provide assistance in the light of programmes undertaken by the Government of India like AMRUT, Smart City, MGNREGA and other programmes.

11. It will be appropriate to reproduce the observations and suggestions of the CPCB:-

"2.5 Observations and suggestions of CPCB 23 States & 4 UTs have provided information as per the format circulated by CPCB.

Based on the information received from the States/UTs, there are Lakes- 2,080 (11 States and 2 UTs), Ponds- 1,69,523 (13 States and 4 UTs), Tanks- 1,699 (1 State), Others like pynes, aahars, reservoirs etc. - 1,51,440 (3 States), Total number of water bodies identified as - 4, 13,911 (25 States and 6 UTs), Total number of identified water bodies selected for restoration- 1,32,080 (17 States and 02 UTs), Total number of identified water bodies already restored- 3, 20,903 (13 States and 3 UTs), Total number of identified water bodies presently under restoration- 40,543 (14 States and 2 UTs). {{{ It appears, number of water bodies identified by the States/UTs as

reported is not scientific and therefore States/UTs have to carry out proper inventory of water bodies using Geological Survey Maps of India (reconnaissance survey) or using any other available technologies like Remote Sensing.

For prioritization of all the identified water bodies is possible only after assessment of water quality of all the water bodies. Presently, water quality of water bodies are monitored by the State Water Resources Department/Agricultural Department/Fisheries Department/Public Health Engineering Departments apart from Central Water Commission (CWC), Central Pollution Control Board (under National Water Quality Monitoring Programme). Therefore, all the water bodies to be assessed for water quality for prioritisation and for restoration. Also, there is a need to pool all the water quality data under /NOIA

-WRIS Portal under National Water Informatics Centre as it facilitates policy decision.

Presently, various departments in the States/UTs are custodians of water bodies therefore there is a need that all the States/UTs need to designate a 'single agency' as a nodal agency to ensure restoration of all polluted stagnant water bodies in the respective State/UT in consultation with the concerned departments. Such a nodal agency also may co-ordinate with the respective State Pollution Control Board (SPCB) in the State or Pollution Control Committee (PCC) in the respective UT for ensuring timely compliance to Hon'ble NGT directions in the matter.

Presently, States Governments /UT Administrations are required to constitute Wetland Authority in the respective States/UTs under the Wetland (Conservation and Management) Rules, 2017. The wetland authority may be given responsibility of restoration of water bodies or a nodal agency or a separate body may be designated as done in case of Haryana (Haryana Pond Waste Water Management Authority), Madhya Pradesh (The Environmental Planning and Coordination Organization (EPCO) and Mizoram (Irrigation and Water Resource Department).

Presently, water bodies are undergoing restoration of water bodies under the various schemes like financial support of Ministry of Jal Shakti or State schemes (like Mission Kakatiya in case of Telangana). Therefore, Ministry of Jal Shakti being nodal Ministry for Water Resources in the country, there is a need to integrate with the programmes such as 'National Lake Conservation Programme, National Wetland Conservation Programme, Ministry of Water Resources Programmes like 'Repair, Renovation & Restoration of Water bodies with Domestic/External Assistance which are undertaken by Government of India, Central Sector Schemes like AMRUT, Smart City, MGNREGA or any other programmes for restoration of water bodies in the country."

XXXXXXXXX

16. We find that the steps taken so far can hardly be held to be adequate. As already noted, protection of water bodies serves great public purpose and is essential for protection of the environment. It helps not only aesthetics but also water availability, aquatic life, micro climate, recharge of ground water and maintaining e-flow of the rivers. Under the Public Trust Doctrine, the State has to act as trustee of the water bodies to protect them for the public use and enjoyment for current and future generations. We may note the observations of the Hon'ble Supreme Court on the subject which are as follows:

i. State of T.N. v. Hind Stone, (1981) 2 SCC 205, at page 212:

"6. Rivers, Forests, Minerals and such other resources constitute a nation's natural wealth. These resources are not to be frittered away and exhausted by any one generation. Every generation owes a duty to all succeeding generations to develop and conserve the natural resources of the nation in the best possible way. It is in the interest of mankind. It is in the interest of the nation."

ii. Hinch Lal Tiwari v. Kamala Devi, (2001) 6 SCC 496, at page 500:

"13. It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution."

iii. T.N. Godavarman Thirumulpad v. Union of India, (2002) 10 SCC 606, at page 628:

"... .."

33. ... As was observed by this Court in M.C. Mehta v. Kamal Nath our legal system based on English common law includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. The public at large is the beneficiary of the seashore, running waters, air, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership."

iv. Intellectuals Forum v. State of A.P., (2006) 3 SCC 549, at page 574:

"75. In M.C. Mehta v. Kamal Nath & Ors. (1997) 1 SCC 388, Kuldeep Singh, J., writing for the majority held:

"34. Our legal system ... includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. ... The State as a trustee is under a legal duty to protect the natural resources."

76. The Supreme Court of California, in *National Audubon Society v. Superior Court of Alpine Country* also known as Mono Lake case summed up the substance of the doctrine. The Court said:

"Thus, the public trust is more than an affirmation of State power to use public property for public purposes. It is an affirmation of the duty of the State to protect the people's common heritage of streams, lakes, marshlands and tidelands, surrendering the right only in those rare cases when the abandonment of the right is consistent with the purposes of the trust."

This is an articulation of the doctrine from the angle of the affirmative duties of the State with regard to public trust. Formulated from a negatory angle, the doctrine does not exactly prohibit the alienation of the property held as a public trust. However, when the State holds a resource that is freely available for the use of the public, it provides for a high degree of judicial scrutiny on any action of the Government, no matter how consistent with the existing legislations, that attempts to restrict such free use. To properly scrutinise such actions of the Government, the courts must make a distinction between the Government's general obligation to act for the public benefit, and the special, more demanding obligation which it may have as a trustee of certain public resources [Joseph L. Sax "The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention", *Michigan Law Review*, Vol. 68, No. 3 (Jan. 1970) pp. 471-566]. According to Prof. Sax, whose article on this subject is considered to be an authority, three types of restrictions on governmental authority are often thought to be imposed by the public trust doctrine [ibid]:

1. the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public;
2. the property may not be sold, even for fair cash equivalent;
3. the property must be maintained for particular types of use (i) either traditional uses, or (ii) some uses particular to that form of resources."

v. *Jitendra Singh v. Ministry of Environment & Ors.*, 2019 SCC Online 1510 pr 20 "....

20. Waterbodies, specifically, are an important source of fishery and much needed potable water. Many areas of this country perennially face a water crisis and access to drinking water is woefully inadequate for most Indians. Allowing such invaluable community resources to be taken over by a few is hence grossly illegal."

17. In NGT order dated 27.08.2020 in OA 351/2019, *Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors.*, it was observed:

"...

8. One of the serious challenges is solid and liquid waste management, apart from encroachments. There are binding directions of the Hon ble Supreme Court in *Almitra H. Patel Vs. Union of India*

&Ors². and Paryavaran Suraksha vs. Union of India³ on the subject of scientific management of solid waste and sewage/effluents in accordance with the statutory provisions of the Water (Prevention and Control of Pollution) Act, 1974, („Water Act) Air (Prevention and Control of Pollution) Act, 1981, („Air Act) and waste management rules framed under the Environment (Protection) Act, 1986 („EP Act). There is large scale non-compliance of the said statutory provisions which has led this Tribunal to consider the issue of river pollution in OA No. 673/2018, News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB" in view of acknowledged data of 351 polluted river stretches in the country. Apart from the said issue, large scale failure has been found in the matter of solid waste management as repeatedly recorded in O.A. No. 606/2018. The Chief Secretaries of all the States/UTs were required to remain present in person before this Tribunal for interaction and further planning. In O.A. No. 325/2015, Lt. Col. Sarvadaman Singh Oberoi v. UOI &Ors., the Tribunal has considered the issue of restoration of water bodies. In Original Application No. 593/2017, Paryavaran Suraksha Samiti &Anr. v. UOI &Ors., the issue of untreated sewage or effluent being discharged in water bodies have been taken up for consideration. There are several other matters dealing with the such issues, including coastal pollution, pollution of industrial clusters etc.

9. There is discussion in the media about inadequacy of monitoring of action for restoration of lakes, wetlands and ponds which is certainly necessary for strengthening the rule of law and protection of public health and environment⁴. Several directions have been issued by the Hon ble Supreme Court in M.K. Balakrishnan and Ors. v. UOI &Ors.⁵"

(2 0 0 0) 2 S C C 6 7 9 3 (2 0 1 7) 5 S C C 3 2 6
<https://gradeup.co/lakes-in-india-i-4b99dc80-f6ce-11e7-9d78-07a242af4480>
<http://www.saconenvis.nic.in/publication/Lake%20Protection%20and%20Management%20of%20Urban%20Lakes%20in%20India.pdf>
http://www.worldlakes.org/uploads/Management_of_lakes_in_India_10Mar04.pdf
(2017) 7 SCC 805

18. We also note that the Ministry of Urban Development, Government of India, Central Public Health and Environmental Engineering Organization (CPHEEO) has issued an advisory on "Conservation and Restoration of Water Bodies in Urban Areas"⁶ in August, 2013 which need to be followed. The matter was also considered by the Standing Committee on Water Resources (2015-16), Sixteenth Lok Sabha. Its Tenth Report has been published by the Ministry of Water Resources, River Development and Ganga Rejuvenation under the heading "Repair, Renovation and Restoration of Water Bodies-Encroachment on Water Bodies and Steps Required to Remove the Encroachment and Restore the Water Bodies"⁷ in August, 2016. Further, the "Guidelines for the Scheme on Repair, Renovation and Restoration (RRR) of Water Bodies under PMKSY (HKKP)"⁸ have been published by the Ministry of Water Resources, River Development and Ganga Rejuvenation, Govt. of India in June, 2017. The said report also provides useful material to be looked into by the enforcement agencies.

19. As regards, report of the CPCB on the subject of rain water harvesting, it appears that CPCB has not appreciated the direction of this Tribunal on the subject. While rain water harvesting may be required in all buildings and other places in urban areas, in the present context, the Tribunal has directed setting up of such facilities in sub water sheds along ponds for utilization of surplus rain water for restoration of the ponds which have become dry and for augmenting other ponds.

20. There is, thus, need for continuous planning and monitoring at National, State and District levels. Suggestions and observations of CPCB and the Oversight Committee need to be acted upon.

21. As suggested by the CPCB, a single agency needs to be set up in every State/UTs within one month. This work may either be assigned to the Wetland Authority of the State or the River Rejuvenation Committee or to any other designated authority such as the Secretary, Irrigation and Public Health/Water Resources. It is made clear that if the State Wetland Authority is to be assigned the task of protection of all water bodies, this task will be in addition to the normal functioning of the State Wetland Authority under the Wetland (Conservation and Management) Rules, 2017.

Such nodal agency must call a preliminary meeting on the subject with all the District Magistrates on or before 31.01.2021 to take stock of the situation and to plan further steps. Thereafter, a regular meeting may be held for periodic monitoring at the District level as well as the State level with the identified targets of proper and scientific identification and protection of all water bodies, assigning unique identification number, removing encroachments, preventing dumping of waste, maintaining water quality and restoration by taking other appropriate steps, involving the Panchayats and the community, utilizing the financial resources available from different sources. Steps taken need to be <http://mohua.gov.in/upload/uploadfiles/files/Advisory%20on%20Urban%20Water%20Bodies.pdf> http://164.100.47.193/lsscommittee/Water%20Resources/16_Water_Resources_10.pdf http://pmksy-mowr.nic.in/documents/RRR_PMKSY_Guidelines_2017.pdf documented and compiled and reported to a central authority, preferably the CPCB. This Tribunal has already constituted a CMC to be headed by the Secretary, MoJS with the assistance of CPCB and other authorities to monitor remedial action for 351 polluted river stretches. Restoration of water bodies is also a connected issue which can be monitored by the same Committee atleast thrice a year at the national level.

22. Accordingly, we dispose of this application with following directions:

(i) All States/UTs may forthwith designate a nodal agency for restoration of water bodies, wherever no such agency has so far been so designated.

(ii) Under oversight of the Chief Secretaries of the States/UTs, the designated nodal agency may a. Hold its meeting not later than 31.1.2021 to take stock of the situation and plan further steps, including directions to District authorities for further course of action upto Panchayat levels and to evolve further monitoring mechanism as well

as Grievance Redressal Mechanism (GRM).

b. Submit periodical reports to the CPCB/Secretary Jal Shakti, Government of India. First such report may be furnished by 28.02.2021.

(iii) The CMC for monitoring remediation of 351 polluted river stretches, headed by the Secretary, MoJS may monitor the steps for restoration of water bodies by all the States periodically, atleast thrice in a year. First such monitoring may take place by 31.3.2021.

(iv) The CMC may give its action reports to this Tribunal in OA 673/2018 and first such report may be furnished preferably by 30.4.2021 by e-mail.

23. Any individual grievances may be first raised before the appropriate GRM or by moving the concerned District Magistrate which may be looked into on merits."

14. Accordingly, in terms of order of this Tribunal dated 18.11.2020 which is also applicable to the State of Telangana in respect of all the waterbodies in the State, as also further specific orders dated 13.4.2021, 27.5.2021 and 8.9.2021 in the present matters, the statutory/administrative authorities in Telangana may take further remedial action promptly and the nodal agency may coordinate such action periodically, subject to oversight of the Chief Secretary at the State level and of the MoJS at the national level. Action taken for restoration and protection of water bodies may also coincide with respective Districts Environment Plans⁹ of concerned districts in the State of Telangana. The action plans may also provide for appropriate Information, Education and Communication (IEC) Programmes in coordination with the educational institutions and other stakeholders. The nodal agency may place the progress report in the matter on quarterly basis on its website.

The Applications will stand disposed of.

Copies of this order may be forwarded to all the District Magistrates in the State of Telangana by e-mail for compliance.

Sd/-

Adarsh Kumar Goel, CP Sd/-

K. Ramakrishnan, JM Sd/-

Sudhir Agarwal, JM Sd/-

Dr. Satyagopal Korlapati, EM Sd/-

Prof. A. Senthil Vel, EM Prepared in pursuance of directions of this Tribunal vide orders dated 26.9.2019, 19.3.2020, 29.1.2021 and 05.07.2021 in OA 360/2018, Shree Nath Sharma vs. Union of India & Ors.

Sd/-

Dr. Vijay Kulkarni, EM Sd/-

Dr. Afroz Ahmad, EM March 14, 2022 Original Application No. 115/2016(SZ) & I.A.No.67/2020 (SZ) WITH Original Application No. 156/2016 (SZ) AB