

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

I.A. NO. 117/2022

IN

ORIGINAL APPLICATION NO. 222/2021

IN THE MATTER OF:

Jagan Kumar J.

...APPLICANT

Versus

The Principal Secretary
Forests, Environment and Ecology Department
Karnataka and Ors

...RESPONDENTS

Next Date 03/05/2023.

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New Delhi
Date 03/05/2023,

Filled By :-



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**INSPECTION REPORT ON BEHALF OF THE MINOR IRRIGATION
DEPARTMENT IN COMPLIANCE WITH THE ORDER DATED
24.01.2023**

MOST RESPECTFULLY SHOWETH:

1. That the present Original Application was filed alleging dumping of waste and discharge of untreated sewage into the K.R. Puram Lake situated in K.R. Puram Hobli, Bengaluru East Taluk, Bengaluru Urban District, Karnataka (*'the said lake'*).
2. That thereafter, the Applicant filed I.A. No. 117/2022 in the present matter, alleging encroachment and laying of a road and pipeline and construction activities in the said lake.
3. Vide order dated 21.04.2023 this Hon'ble Tribunal directed the Minor Department to carry out a spot inspection and file a report with

respect to the allegations made in I.A. No. 117/2022. The directions of this Hon'ble Tribunal are as follows:

"7. The Irrigation Department is also directed to inspect the property and find out the allegations made in the interlocutory application [I.A. No.117 of 2022 (SZ)] and file a report to that effect."

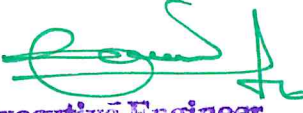
4. It is submitted that in compliance of the above order, spot inspection was carried out by the officials of the Minor Irrigation Department on 27.03.2023. Because I.A. No. 117/2022 also alleges encroachment, albeit in vague and general terms, it is pertinent to refer to the report of the KSPCB drawn after its joint inspection of the lake with BBMP on 23.11.2022. The said report dated 13.12.2022 is relevant in so far as it brings to the fore the fact BBMP and KSPCB have sought clarifications from the ADLR pertaining to the extent of encroachment and the area of the lake. It has been stated by the KSPCB in the report dated 13.12.2022 as follows:

"Vengaiahanakere was handed over for development & maintenance to BBMP on 17.03.2020. BBMP had corresponded to ADLR to survey & demarcate the boundaries and encroachments on 07.02.2022. ADLR had deputed surveyor and lake survey has been done on 10.03.2022 and total extent is shown as 59 acres 28 guntas. Lake is short of 5 acres 7 guntas when compared to survey sketch prepared by ADLR in 16.11.2021 wherein total extent is 64 acres 35

guntas. Hence, letters have been communicated to ADLR to clarify the extent and action will be taken to evict the encroachments in co- ordination with Tahsildar after demarcation of boundaries and lake boundaries will be fenced by BBMP accordingly."

5. The above being said, the findings of the spot inspection by the Minor Irrigation Department are as follows.
6. It has been stated in the I.A. that there is encroachment by way of laying of road and pipe line on the inner side of the lake bed. In this regard, it is submitted that while carrying out the spot inspection, it was observed that there is a bund along the periphery of the lake on which the said road has been formed.
7. It was further observed that some pipelines have been laid on the outskirts of the peripheral bund. The same may be BWSSB's sewage pipeline or a connecting secondary treated water pipeline.
8. The other allegation in I.A. No. 117/2022 is that there is no cleaning of debris from the lake. In this regard, it is stated at the outset that photographs produced as Annexure N and Annexure N1 along with the I.A. itself show cleaning of debris from the concerned lake by BBMP. To that extent, the allegations in the I.A. and the annexures thereof are contradictory to each other.

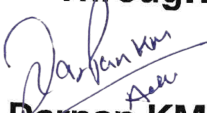
9. Notwithstanding the above aspect, it was observed during the spot inspection and also upon enquiry that periodical cleaning of debris is undertaken by the concerned Department on a time to time basis. It has also been informed by the BBMP that a DPR is being prepared for rejuvenation of the said lake.
10. With the above findings of the Spot Inspection being placed on record, it is submitted that this Hon'ble Tribunal may pass any directions in the present I.A. as it may deem fit, and this Department shall be bound by the same.


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Date: 02-05-2023