

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 153/2024

News item titled "**Preserve this lake before it disappears**" appearing in the Bangalore Mirror dated 09.01.2024

Date of hearing: 21.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Rajat Jonathan Shaw, Adv. for R-1 (Through VC)

ORDER

1. This Original Application has been registered on the basis of the news item titled "**Preserve this lake before it disappears**" published in Bangalore Mirror dated 09.01.2024.

2. The news item relates to the pollution and encroachment of Yale Mallappa Shetty Lake. It discloses that the said lake has become dumping site of construction and demolition waste and over an area of 21 Acres of lake land has been encroached upon.

3. As per the news item the lake is vulnerable to all types of encroachment and it has become a destination for the dumping of construction and demolition material by building contractors, truck drivers etc and the entire stretch on the southern side of the lake is filled with C & D material.

4. The news item also contains the allegation that the road along the lake bund connecting the private layout is illegal and those who own or developed those layouts have engaged earth mover to level the debris, thus increasing the width of the road and reducing the lake land.

5. The Original Application raises substantial issue relating to compliance of the provision of the scheduled enactment.

6. Power of the Tribunal to take up the matter in suo-motu exercise of power has been recognized by the Hon'ble Supreme Court in the matter of "Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors." reported in 2021 SCC Online SC 897.

7. We implead the following as respondents in this original application:

1) Bruhat Bengaluru Mahanagara Palike, Through its Commissioner.

2) Karnataka State Pollution Control Board, Through its Member Secretary.

3) Deputy Commissioner & District Magistrate, Bengaluru.

4) Karnataka State Wetland Authority through its Member Secretary.

8. Mr. Rajat Jonathan Shaw accepts notice on behalf of the Respondent No. 1 and seek four weeks time to file the reply.

9. Let notice be issued to Respondents No. 2 to 4 for filing reply before appropriate bench of the Tribunal.

10. Since the matter relates to the Southern Zonal Bench of the Tribunal, therefore, the Original Application is transferred to the Southern Zonal Bench, Chennai for further action. Let the original record be transferred to southern zonal bench.

11. Learned Counsel for the Respondent No. 1 has submitted that some Miscellaneous Application is pending before the Southern Zonal

Bench, concerning the above lake. The Southern Zonal Bench will duly consider it before proceeding further in this Original Application.

12. List before the Southern Zonal Bench at Chennai on 12th April, 2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 21, 2024.
O.A. No. 153/2024
HB