

**Note on case filed by the Sri. D. Chandra Mouleswara Reddy, YSR Kadapa district, Andhra Pradesh ,  
before the NGT Southern Zone Chennai ( O. A No.148/2021)**

Sri. D. Chandra Mouleswara Reddy has submitted application before NGT Southern Zone Chennai regarding the construction of Palamuru Rangareddy Lift Irrigation Scheme by the Government of Telangana in Violation of the Provisions of the Environmental laws .

The matter came up for hearing before NGT on 15-07-2021 through video conference. The applicant alleged that, earlier the state of Telangana, to launch the project without obtaining Environmental Clearance, filed an undertaking that they were not going to have Irrigation Project but confining only to drinking water project. Earlier the Government of Telangana had applied for Environmental Clearance and terms of reference was issued with a condition that there will not be any displacement of persons in implementing the project. But the application is withdrawn and proceeded with the project showing it is a drinking water project alone. Now the Government have converted the project into irrigation project as well without adhering to the EIA notification 2006 and also Environment (Protection) act 1966 without conducting any EIA/EMP study. They have also violated the understanding between State of Telangana and State of Andhra Pradesh in respect of sharing of water from Krishna River as per Andhra Pradesh Reorganization Act 2014.

The tribunal observed that there is question of environment as the applicant alleged violation of Environmental laws and EIA notification 2006. The tribunal observed similar application filed by Kosigi Venkataiah in O.A No.147 of 2021 alleging illegal mining by De- silting of several tanks which are providing for this project apart from violation of environmental laws

The learned council appearing for state of Telangana has submitted that they have not violated any of the undertaking given and they are only confined to the drinking water propose and O.A No.147 of 2021 (SZ) is different from the allegations made in this application. So both cases need not to be clubbed together.

The tribunal has admitted the matter. The tribunal has also considered the submissions by AAG for state of Telangana and appointed a joint committee consisting of 1) A Senior Officer from MOEF & CC, 2). A Senior Scientist from CPCB, 3) The District Collector Mahabubnagar, 4) The Director mines and geology, 5) A Senior Scientist from NEERI to inspect the areas in question on submit a factual action taken report and to go into the question regarding the allegation made in the application. If there is any violation found a senior Officer from CWC is also to be added in the committee.

The committee is directed to ascertain as to 1) whether there were any violation of Environmental laws 2) whether there is any violation as per EIA notification 2006 3) whether the project was launched contrary to the undertaken given by State of Telangana confining to dirking water project alone but expanded to Irrigation project as well 4) whether the project requires prior Environmental Clearance, if not compensation for Environmental damage shall be assessed, 5) whether people have been displaced.

The committee is directed to submit the report to the Tribunal on or before 27-08-2021 and posted on 27-08-2021.

**Note on case filed by Kosigi Venkataiah Mahabubnagar District before the NGT, Southern zone,  
Chennai. OA No. 147 of 2021 (SZ)**

Sri Kosigi Venkataiah, Mahabubnagar District Telangana State has filed application before NGT, Southern zone, Chennai that The State of Telangana including the Superintending Engineer PRLIS Circle No.2 Mahabubnagar is carrying out illegal mining the Udandapur Reservoir under Palamuru Rangareddy Lift Irrigation Scheme. They are doing illegal mining in the guise of desilting there by affecting the ecology and damage to the Environment.

The matter is came up for hearing on 09-07-2021. The applicant alleged that the illegal mining is being done against the direction issued by the Hon'ble Apex Court in Deepak Kumar vs. State of Haryana (2012) 4 SCC 629 and also against the direction issued by Principal Bench in several matters of this Nature. Earlier, the State of Telangana had filed an application for Environment Clearance before MOEF& CC and ToR was issued duly mentioning that there was no displacement under the project. Subsequently Sri B. Harsha Vardhan filed OA No. 273/2016 before this Tribunal raising allegations in construction of this project. This Tribunal had granted interim injunction restraining the project component not to proceed with the project without getting necessary Clearances / Permissions. The same was disposed off by the Tribunal as the application was withdrawn. The Chief Engineer PRLIS had submitted undertaking that the State of Telangana would be withdrawing the application submitted for Environment Clearance before the MOEF&CC as them are intended confining only to supply of drinking water and not with the Irrigation project. The Tribunal had modified the interim order of injunction granted and permitted to proceed with the work with regard to supply of drinking water as per order dated: 17-02-2015. In violation of these undertakings, they are doing illegal mining the guise of maintaining the reservoir and there were also displacement contrary to undertaking given by them.

The learned AAG representing State of Telangana has submitted that, this Tribunal after recording the undertaking given by the State of Telangana the project was permitted to be proceeded with. Now also it is not violated any of the undertakings. The application is filed by the persons on political grounds and there is no necessity to admit the matter.

The Tribunal observed that, in the application the grievance of the applicant is regarding the illegalities committed by the project component of doing illegal mining and also acting contrary to the undertaking given. It is alleged that illegal mining is going on in water bodies which are part of this project in Nasarullabad Cheruvu, Polepally Cheruvu, etc., In mandals of Mahabubnagar District. It is also alleged that nearly 3000 persons have being displaced due to illegal mining. The Tribunal observed that if these allegations are genuine, there arises a substantial question of Environment and the application is admitted.

The Tribunal appointed a joint committee consisting of 1). A Senior Officer from MOEF & CC, 2) Senior Scientist from CPCB, 3) The District Collector Mahabubnagar, 4) Director Mines and Geology, 5) Senior Scientist from NEERI, to inspect the areas in question and submit a factual action taken report, if there is any violations found.

The committee is directed to ascertain as to 1) whether there were any violation of Environmental laws, 2) whether doing illegal mining, 3) To Suggest remediation, if any 4) whether displacement of person have taken place, and 5)whether any violation of TOR.

The Committee is directed to submit the report on or before 27-08-2021 and posted on 27-08-2021.