

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

Application No. 85 of 2015 (SZ)

Applicant(s)

Respondent(s)

Dr. Lubana Sarawath
Co-Convenor
Save Our Urban Lake
Hyderabad

Vs. The State of Telangana, rep. by its
Secretary to Government, Telangana
Secretariat, Hyderabad-500022 & ors.

Legal Practitioners for Applicant(s)
M/s. T. Mohan

Legal practitioners for respondent(s)
Mrs. H. Yasmeen Ali for R-1 to R-3
Mr. Sai Krishnan for R-4

Note of the Registry	Orders of the Tribunal
Order No.	<p>Date: 1st May, 2015</p> <p>The counsel for the parties are present. We have heard the counsel appearing for the applicant as well as the respondents 1 to 4. Mrs. H.Yasmeen Ali, the counsel undertakes to file vakalat for the respondents 1 to 3 and Mr. Sai Krishnan, the counsel undertakes to file vakalat for the 4th respondent. For filing vakalat and reply of the respondents 1 to 4, the matter is posted to 22.5.2015.</p> <p>The applicant has come forward with this application for a direction against the respondents to clean the Hussain Sagar Lake and make it pollution free and without spreading contamination into the other water bodies and by restraining them from releasing the pollutants into the downstream of water</p>

bodies. He has also prayed for an interim relief of injunction against respondents 1 to 3 from discharging and releasing water from Hussain Sagar lake forthwith.

2. The contention of the applicant is that the Hussain Sagar Lake which is already polluted and the water contained therein is being surreptitiously and without plan of action discharged into Musi River which is again polluted and by virtue of the same the pollution is spreading to a large extent which would result in health hazards and also ultimately such polluted water may reach into the drinking water where the health of the people in the area would be affected.

3. When the matter came up earlier, we have directed notice to the respondents and specifically stated that the respondents shall produce the plan of action based on which the Hussain Sagar Lake is being dewatered so as to enable the Tribunal to go through the sustainability and pass appropriate orders. The learned Counsel appearing for the respondents 1 to 3 would submit that she has received notice only today and therefore she could not file reply or produce any documents.

4. As far as the State Pollution Control Board is concerned, the learned counsel for the 4th respondent would submit that the Board has nothing to do with the said activity.

5. Shri T.Mohan, the learned counsel for the applicant has

brought to the notice of the Tribunal about certain information received under the RTI Act. As per the information dated 21.2.2015 issued through the Deputy Executive Engineer, who is the Public Information of Officer it is informed to the applicant that there is no such proposals of dewatering, de-silting and refilling proposal of Hussain Sagar in the said office. He has also stated that another information received under RTI Act from the Office of Hyderabad Metropolitan Development Authority dated 30.3.2015 shows that HMDA is not dealing with the subject of dewatering, de-silting and refilling. Another information which was obtained from the Department of HMWS&SB has referred about a G.O issued by the Government of Telagana G.O.Rt.No.60 Municipal Administration & Urban Development (C) Department dated 21.2.2015 which speaks about the diversion of sewage from Kukatpally Nala and it has nothing to do with the dewatering of Hussain Sagar Lake. The detailed project report of January, 2015 also relates to the diversion of sewage from Kukatpally Nalla. Under such circumstances, the contention that the respondents without having any plan of action and illegally dewatering Hussain Sagar Lake which resulting in further pollution of already polluted Musi River has to be accepted as having some force. According to him, no scientific study has been made.

6. Considering the entire factual aspects as we have seen on

record, there is some reasonable doubt about the conduct of the respondents as to whether they have conducted any detailed scientific study about the scheme of dewatering Hussain Sagar Lake before proceeding further and in the absence of such materials available before us, we are of the view that the respondents must be prevented from further dewatering Hussain Sagar Lake and transferring to any other water bodies pending further orders of the Tribunal. Accordingly, there shall be an order of interim injunction restraining the respondents from dewatering Hussain Sagar Lake any further from today and what remains as on today shall be maintained until further orders from the Tribunal. The respondents are directed to ensure that no further discharge of water from Hussain Sagar Lake shall be effected to any other water body until further orders from the Tribunal.

7. The respondents are directed to produce the entire file relating to the Scheme and Plan by the next date of hearing. The matter is posted to 22.5.2015.

P.S. Rao
(Expert Member)

Justice Dr. P. Jyothimani
(Judicial Member)