

OUT TODAY

ITEM NO.8

COURT NO.2

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 16296/2015

(Arising out of impugned final judgment and order dated 07/05/2015 in WP No. 14312/2015 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

LUBNA SARWATH

Petitioner(s)

VERSUS

GREATER HYDERABAD MUNICIPAL CORPORATION
(GHMC) AND ORS.

Respondent(s)

(with application for exemption from filing c/c of the impugned judgment and interim relief and office report)

Date : 26/05/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE UDAY UMESH LALIT
(VACATION BENCH)

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Kezho, Adv.
For Mr. Satya Mitra, Adv.

For Respondent(s) Mr. K. Ramkrishna Reddi, AAG, Telangana
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Akanksha Mehra, Adv.

UPON hearing counsel the Court made the following
O R D E R

In Civil Appeal Nos. 2905-2906 of 2015 titled as "*Dr. G. Haragopal & Ors. vs. South Central Railway & Ors.*" , this Court had passed interim orders dated 25.04.2005 to the effect that no further construction shall be carried out except with the leave obtained from this Court, in or around Hussain Sagar Lake.

These appeals are thereafter disposed of vide order dated 16.01.2014, vide which the matters have been remitted back to the High Court for disposal in accordance with law with the directions that the High Court can look into all the reports filed by the Expert Committee, objections filed and various laws that came into force in the meanwhile. At the same time, interim order dated 25.04.2005 has been allowed to continue till the matter is finally disposed of by the High Court.

Keeping in view the aforesaid orders, the National Green Tribunal passed the orders dated 01.05.2015 restraining the respondents herein from carrying out any construction in or around the said lake.

This order was challenged by the respondents in the High Court by filing Writ Petition (C) No. 14312 of 2015. While issuing notice, returnable on 04.06.2015, the High Court has passed interim orders, permitting the respondent-Government to undertake the work of desilting the lake and improvement of sluices of water bodies. We may record that the respondents in the said writ petition have taken a plea that it is not undertaking any construction activity, but some repairs etc. are necessary for maintaining the sluices properly as due to the neglect for a long period, the sluices have almost become dysfunctional.

Having regard to the aforesaid plea of the respondents herein, the High Court has permitted the respondents to undertake such cement and concrete work as may be necessary to repair the sluices for its proper maintenance. It has further

permitted that for those repairs, if some water is to be released from the lake, that would also be permissible.

Since it is only the interim order and the writ petition is still pending and limited permission is granted to maintain and repair the sluices, we do not find any reason to interfere with the said order. However, we may record the apprehension of Mr. Colin Gonsalves, learned senior counsel appearing for the petitioner that under the garb of such repair work, the State Government may not dewater the said lake extensively.

We are of the opinion that this aspect can be appropriately looked into by the National Green Tribunal, where the main matter is pending. It would be open to the National Green Tribunal to depute a team of experts to verify that the work undertaken by the State Government is limited to the repairs of the sluices and there is no unnecessary dewatering of the lake. The National Green Tribunal may also order such a team to give its report expeditiously.

With the above observations and directions, this Special Leave Petition is disposed of.

Order be given Dasti to the learned counsel for the parties.

(Jayant Kumar Arora)
Sr. P.A.

(Indu Pokhriyal)
Court Master