

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

**WRIT PETITION Nos.27110, 27003, 27036, 27039, 27042,
27238, 27239, 27242, 27255, 27260, 27261, 27276, 27283,
27284, 27686, 27714, 27732, 27747, 27765, 27889, 27897,
27938, 27971, 27980, 28001, 28021, 28045, 28058, 28065,
28075, 28086, 28114, 28121, 28144, 28147, 28148, 28158,
28159, 28162, 28170, 28182, 28193, 28203, 28252
and 29139 of 2024**

COMMON ORDER:

Since the issue involved in all these writ petitions is intrinsically interconnected, they are taken up and heard together and are being disposed of by this common order.

2. These Writ Petitions are filed by the petitioners to declare the action of the respondents in interfering with their peaceful possession and making efforts to demolish their residential houses/occupations, as illegal, arbitrary and unconstitutional and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently prayed this Court to direct the respondents not to interfere with the possession and enjoyment of their houses, without following due process of law and for other appropriate reliefs.

3. Writ Petition No.27110 of 2024 is taken up as a leading case to decide the *lis* in this batch of cases.

4. It is stated that the petitioners have purchased their respective houses under registered sale deeds in approved layout sanctioned by Hyderabad Metropolitan Development Authority (HMDA). It is further stated that they obtained construction permissions from the Greater Hyderabad Municipal Corporation (GHMC) and constructed houses in compliance with the Building Rules, 2012 which were issued in G.O.Ms.No.168, Municipal Administration and Urban Development (M1) Department, dated 07.04.2012 read with G.O.Ms.No.245, MA, dated 30.06.2012. It is also stated that they have obtained electricity connections and their houses were also assessed for the property tax and they are regularly paying the property tax and electricity bills. It is the case of the petitioners that on the ground that the houses constructed by them would fall under the Full Tank Level Zone as well as Buffer Zone of the River Musi, the respondents, without having any power or authority under the provisions of the Telangana Water, Land and Trees Act, 2002 (for short "WALTA Act"), without conducting any enquiry and without issuing any notices are highhandedly interfering with their possession and demolishing their houses under the authority by name Hyderabad Disaster Response and Asset Monitoring and Protection Agency (for short "HYDRA"). It is further case of the petitioners that the HYDRAA established by the State Government under G.O.Ms.No.99, Municipal Administration & Urban Development (GHMC.I) Department dated 19.07.2024 for

TCUR (Telangana Core Urban Region) for the purpose of disaster management, asset protection and other functions, is not conferred with any powers under the provisions of any of the Statute. Therefore, the HYDRAA or the respondent authorities cannot exercise their powers to interfere with their peaceful possession and demolish their houses. It is further case of the petitioners that if there is any violation of constructions being found in the FTL/River Bed Zone of Musi River, the GHMC is the only competent authority to remove the same. When the GHMC having allowed them to raise constructions, are not having any power or authority to issue any notice of removal of their constructions and if any constructions forming part of River Bed Zone/FTL Zone/Buffer Zone, the respondents have to identify the said constructions by conducting survey and demarcating the same and then take appropriate steps by following due process of law. It is further case of the petitioners that without conducting any enquiry or localization of the subject constructions and without following due process of law, the highhanded action of the respondents in making efforts to remove the same amounts to exercising arbitrary power and violative of rights guaranteed under Articles 14, 21 and 300-A of the Constitution of India and contrary to the provisions of Section 23 of the WALTA Act and the Andhra Pradesh (Telangana Area) Irrigation Act, 1357 Fasli.

5. The respondent No.3 has filed counter affidavit *inter alia* stating that the Government with a laudable object to rejuvenate the Musi River has constituted a special purpose vehicle i.e, “Musi Riverfront Development Corporation”. The Musi Riverfront Development Project is designed to revive the river passing through Hyderabad, transforming the area by restoring clean, flowing water, enhancing transport networks, creating international-standard urban landscapes, and revitalizing heritage sites. It is further stated that the project also aims to generate employment, involve the local community through cultural events and festivals, and ensure accessibility. Key components of the project include the establishment of new sewerage treatment plants, Godavari River linkage, trunk and interceptor sewer networks, flood management infrastructure, and investment opportunities. It is also stated that in the year 2021, a survey of the Musi River was conducted in coordination with the Revenue, Irrigation, and Survey Departments under the Telangana Survey and Boundaries Act, 1923. The survey was carried out in Medchal-Malkajgiri, Rangareddy, and Hyderabad Districts, relying on village maps and records of measurements. Mandal-wise maps were prepared using high-resolution satellite imagery, with geo-coordinates obtained via Differential Global Positioning System (DGPS). Based on these maps and in accordance with G.O.Ms.No.7 dated 05.01.2016, a field survey was conducted in

the months of July and August, 2024 under the supervision of Tahsildars and Mandal Surveyors, focusing on the riverbed and buffer zone (50 meters along the river). The survey identified 2,166 structures in the riverbed and approximately 7,851 in the buffer zone, summing up to approximately 10,017 structures. The District Collectors of Hyderabad, Rangareddy and Medchal-Malkajgiri constituted teams of officials from Revenue, Survey, GHMC, and MRDC to identify and mark structures within the riverbed. It is stated that no coercive action has been initiated to dispose of or demolish structures without the consent of the affected persons. It is also stated that the Government of Telangana, vide G.O.Rt.No.754 dated 25.09.2024, decided to allocate approximately 15,000 2BHK houses to families residing in the riverbed and buffer zone on humanitarian grounds. Officials visited affected families to inform them of this arrangement, and some families voluntarily consented to relocate to the designated 2BHK units. So far, 319 families have been rehabilitated in the three districts. Additionally, financial aid is being provided to ensure a smooth transition in their livelihoods. To facilitate livelihood restoration, the Government issued G.O.Rt.No.477 dated 05.10.2024, constituting a Consultative Livelihood Support Committee headed by the Chief Executive Officer of SERP, Hyderabad, along with 13 other members. The committee is tasked with the following:

- Mapping nearby Anganwadi centers and facilitating admissions for children.
- Developing a sustainable livelihood action plan focusing on women's self-help groups (SHGs), providing interest-free loans and bank linkages.
- Conducting surveys on livelihoods and collaborating with SC/ST, BC, and Minority Corporations to extend welfare scheme benefits.
- Ensuring educational continuity by mapping schools and residential welfare schools for relocated students.
- Monitoring help desks and working with Civil Society Organizations to implement SHG strategies.

It is further stated that the District Collectors of Hyderabad, Medchal-Malkajgiri, and Rangareddy are taking necessary action to identify, mark, and relocate affected families in the riverbed zone while facilitating livelihood opportunities. It is further stated that regarding the buffer zone, no action has been taken as of now and any future action would be subject to approval by the Government and adherence to due process of law. Thus the respondent No.3 prayed to dismiss the writ petitions.

6. The learned counsel for the petitioners submitted that the petitioners have constructed houses after obtaining necessary

permissions from the GHMC and their properties were assessed for the property tax and they have also obtained electricity connection and paying property tax and electricity bills to the concerned authorities. It is further case of the petitioners that the GHMC having been satisfied that they are having absolute right, sanctioned layout as per the provisions of the GHMC Act, 1955 and they have purchased plots in the layout approved by the GHMC and constructed houses after obtaining permissions and therefore, at this length of time, the respondents are not having any power or authority to remove the existing structures on the ground that the constructions made by them forms part of River Bed Zone and ultimately prayed to allow the writ petitions as prayed for.

7. The learned Additional Advocate General appearing for the respondents submitted that the State Government with an object to rejuvenate the Musi River and also free flow of the water resources from the flood gates and to minimize the damages caused during the rainy season to the inhabitants has enacted WALTA Act. It is further submitted that Section 23 of the WALTA Act, empowers the designated authority to notify certain water bodies like lakes, village ponds, and minor irrigation tanks as "heritage water bodies" and conservation areas, allowing them to take strict measures to prevent conversion of their intended use, encroachment, and pollution,

effectively protecting these water sources; essentially giving special powers to safeguard important water bodies in the State. Placing reliance on Section 156 of the Land Revenue Act, further submitted that every Revenue officer may, enter, whenever necessary for measurement, fixing of boundary marks or inspecting of boundaries, classification of soil, or assessment, such land or premises belonging to the Government or to any private individual giving twenty-four hours prior notice. Therefore, the action initiated by the State Government conferring power on the HYDRAA and the Irrigation officers for conducting survey of the Musi River for physical verification and for removal of the encroachments for free flow of the water does not amount to violation of principles of natural justice and non-issuance of notice to an individual will not override the object of the State to rejuvenate the Musi River in the interest of public at large and for maintaining ecological balance and for beautification of the Musi River and to remove bad and unhygienic smell to the neighboring inhabitants for preventing endanger to the citizens of the Hyderabad.

8. Considered the submissions of learned counsel for the respective parties and perused the record.

9. Before examining the contentions of the parties and necessary provisions of the enactments, it is necessary to trace out the brief

history of the Musi River for the purpose of effective disposal of the present writ petitions.

10. The City of Hyderabad was founded by Md. Quli Qutub Shah, the fourth ruler of the Golconda kingdom. The Musi River starts from Anantagiri hills (West of Hyderabad) and flows through the city and joins the River Krishna. The Musi River which flows from the habitation of the city received devastating floods in the year 1908, which necessitated the Emperor Mir Osman Ali Khan (VII Nizam) to construct two Reservoirs i.e, Osmansagar and Himayatsagar and also protection walls to protect the inhabitants living adjacent to the Musi River from devastating floods. The said Reservoirs were constructed in the upper catchment area for storage of the water and for preventing the floods from the Musi River and the said Reservoirs are now catering to the needs of the city of Hyderabad as drinking water resource. At the same time, a law was enacted, commonly called as Land Revenue Act of His Exalted Highness the Nizam's Dominions (Act 8 of 1317 Fasli) which came into force on 21st Mehir 1317 Fasli (presently "Telangana Land Revenue Act, 1317 Fasli). The said Act is applicable to the State of Hyderabad consisting of three Regions, Marathwada, Kannada and Telugu regions with 19 districts. Section 24 of the Telangana Land Revenue Act, 1317 Fasli, states that all public roads, lanes, paths, bridges, ditches, dikes, rivers,

streams, tanks, ponds, canals, lakes and flowing water and all lands, wherever situated, together with all rights appertaining thereto are the property of the Government. Further, in exercise of the powers conferred under the said Act, the Government conducted a survey through the Nazim of Survey and prepared records such as the Tippon, Village Naksha, original Sethwar, Wasool Baqui, Town Survey Land Register (TSLR), Record of Measurement, and carried out necessary entries in Thekabandi. These records reflect the survey numbers and extents as per the Village accounts and Village Nakshas, which contain details of footpaths, cart tracks, trees, wells, rivers, houses, tanks, and the extent of occupations, as recorded in the Village Chowpaslas.

11. Having found that gullible people are converting the tanks and lakes, river bed areas and water bodies into plots and alienating the same to private individuals and constructing various religious places in the middle of the River and to strengthen the executive to protect the water bodies from encroachments and to implement the said powers more rigidly, the Government enacted Hyderabad Irrigation Act, 1357 Fasli, which came into force on 20th October, 1948 (presently “Telangana Irrigation Act, 1357 Fasli”). Section 3 of the Telangana Irrigation Act, 1357 Fasli defines “irrigation work” which includes, (i) all kuntas, reservoirs, tanks, anicuts, canals, their

distributaries, channels and sluices constructed, maintained or controlled wholly or partly by or with the consent of the Government; any part of a river, stream, lake, natural water reservoir or drainage channel, to which the Government may apply the provisions of Section 6 or the water, which has been used before the commencement of this Act for the purposes of any existing irrigation work. Section 3 (k) defines 'Irrigation officer' which means an officer of the Public Works Department or Revenue Department appointed or deputed by the Government to perform such of the functions of the Irrigation officer as may be prescribed under the Act. The Irrigation Officer was conferred with the powers to take stringent action against the violators who destructed the lakes, tanks and other water bodies. Even after taking all the measures under the Irrigation Act and when the same did not yield any result, rather the existing tanks and lakes in Hyderabad were indiscriminately converted into residential areas, causing great inconvenience and ecological imbalance, the legislature thought it fit to enact a stringent law called as "Andhra Pradesh Water, Land and Trees Act, 2002 (WALTA Act) (Act 10 of 2002 effective from 19.04.2002). The Act was introduced to promote water conservation, enhance tree cover, and regulate the exploitation and use of ground and surface water for the protection and conservation of water sources and land, as well as to enforce related measures and address incidental matters. To achieve

these objectives, a Task Force Committee was constituted to specifically protect water bodies and implement strict measures to prevent encroachments in water bodies and low-lying areas, while also rehabilitating the affected individuals in safer and habitable zones. The Government vide G.O.Rt.No.386, dated 21.3.2007 constituted a Watchdog Committee at District level to protect the water bodies and tank beds from encroachments and that the said committee works to identify the water bodies and tank beds in the District and review the status of each water body/tank bed in the State at regular intervals. The Government has taken up a programme for desilting of tanks for formation of bund roads for proper protection of tanks and water bodies. Keeping the need of the restoration of tanks, ponds, the Government has taken up the programme commonly called as 'Mission Kakatiya' for restoration of the tanks to its original position duly maintaining full tank level.

12. The Government vide G.O.Ms.No.168, Municipal Administration and Urban Development (M) Department dated 07.04.2012 framed Building Rules, 2012. Rule 3 which deals with restriction of building activity in the vicinity of certain areas, reads as follows:

“RESTRICTION OF BUILDING ACTIVITY IN THE VICINITY OF CERTAIN AREAS:

(a) Water Bodies

- (i) *No building/development activity shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta / shikam lands.*

Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake / Kunta shall be reckoned as measured and as certified by the Irrigation Department and Revenue Department.

- (ii) *The above water bodies and courses shall be maintained as Recreational/Green Buffer Zone and no building activity shall be carried out within:*

- (1) 100m from the boundary of the River outside the Municipal Corporation / Municipality / Nagara Panchayat limits and 50m within the Municipal Corporation / Municipality / Nagara Panchayat limits. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.*
- (2) 30m from the FTL boundary of Lakes / Tanks / Kuntas of area 10Ha and above.*
- (3) 9m from the FTL boundary of Lakes / Tanks / Kuntas of area less than 10Ha / shikam lands;*
- (4) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.*
- (5) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.*

- (iii) *Unless and otherwise specified in the Master Plan/ Zonal Development Plan.*

- (1) In case of (ii) (1) & (2) above, the buffer zone may be utilised for road of minimum 12m width, wherever feasible.*
- (2) In case of (ii) (2) above, in addition to development of recreational / green belt along the foreshores, a ring road or promenade of minimum 12m may be developed, wherever feasible.*
- (3) The above buffer zone to be left may be reckoned as part of tot lot or organized open space and not for setback requirements.*

- (iv) *In case of Protection of Catchment area of Osmansagar and Himayatsagar lakes covered under the G.O.Ms.No.111 MA dated 08.03.1996, the restrictions on building and development activity imposed there in shall be applicable in Hyderabad Metropolitan Development Authority (HMDA) area.*

- (v) *In case of areas along the Sea Coast, the Coastal Regulation Zone (CRZ) regulations shall be followed.”*

13. The State Government issued G.O.Ms.No.44 Irrigation and CAD (Reforms) Department, dated 30.03.2015, framing the guidelines for restoration of the tanks. The object of the scheme under the above programme is to remove silt and to strengthen the weir and sluices and to repair the bund to see maximum storage of water to its FTL. The scheme has been taken up on war-footing basis to restore 48,000 of Major and minor irrigation tanks in a phased manner first of its kind in all the programs introduced in the country.

14. As per Section 4 of the Telangana Irrigation Act, 1357 Fasli, the Officer who is deputed by the Government is empowered and entrusted with the responsibility to protect, all kuntas, reservoirs, tanks, anicuts, canals, their distributaries, channels, sluices, and associated structures constructed, all drainage works, flood embankments, and any part of a river, stream, lake, natural water reservoir, or drainage channel to which the Government applies the provisions of Section 6 of the Irrigation Act.

15. The Government has adopted various Schemes introduced by the Government of India with financial aid from the World Bank under the programme called "Capacity Building for Industrial Pollution Management Project (CBIPMP)." To implement the programme, the Telangana State Pollution Control Board was

constituted as a special-purpose vehicle in accordance with the guidelines framed by the Government in G.O.Ms.No.28, dated 08-06-2015. Under the project, remediation work for Lake Noor Mohammed Kunta, located in the Katedan Industrial Estate in Rajendranagar Mandal, was undertaken. The remediation works included the removal of contaminated sediment using geo-textile materials, which were to be placed along the bund of the lake. Additional works, such as the construction of a weir and fencing around the lake, were also carried out. These measures aim to ensure the lakes are clean and not to let out any sewerage or drainage to the Musi River so as to contaminate the water flowing in the Musi River.

16. As per paragraph 4 of BSO 16 of Board Standing Orders (BSOs), the water bodies, water courses, kunta porambokes, porambokes cannot be assigned and revenue authorities are not competent to reclassify such lands for conversion of any water tank into Ayaan. The Government duly keeping in mind of the provisions of the Telangana Land Revenue Act, 1357 Fasli and also BSO's, the Chief Commissioner of Land Administration (CCLA) has issued Circular Instructions vide No.B1/1488/97 dated 21.08.2002, for preservation and protection of the tanks, tank bed lands and tank porambokes and for inclusion of the Government tank bed lands in the "Prohibitory Order Book". In continuation of the said Circular,

the CCLA also issued another Circular vide Ref.No.B2/2225/2003 dated 20.09.2003 directing all the District Collectors in the State to take necessary steps to identify and to include all lands covered by water bodies in the “PROHIBITORY ORDER BOOK” (such as lands covered by Tanks, Kunta, Ponds, Lakes, Vagu, Vankas, River, Projects & Reservoir porambokes) and to follow the instructions scrupulously.

17. Even after taking all required measures, encroachments in the River Bed areas and Full Tank Level (FTL) Zones have not been effectively curbed. Taking these issues into consideration across India, the Hon’ble Supreme Court in **Jagpal Singh vs. State of Punjab and others**¹ held as follows:

“Para 23: Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorised occupants of the Gram Sabha/Gram Panchayat/poramboke/shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show-cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularising the illegal possession. Regularisation should only be permitted in exceptional cases e.g. where lease has been granted under some government notification to landless labourers or members of the Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land.”

¹ (2011)11 SCC 396

18. Further, in **Hinch Lal Tiwari v. Kamala Devi**², the Hon'ble Apex Court observed as follows:

"Para 13: It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The Government, including the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites."

19. In **Intellectuals Forum v. State of Andhra Pradesh**³, the Hon'ble Apex Court observed as follows:

"88. However, some of the environmental activists, as noted in The Environmental Activities Handbook authored by Gayatri Singh, Kerban Ankleswaria and Colins Gonsalves, that the Judges are carried away by the money spent on projects and that mega projects, that harm the environment, are not condemned. However, this criticism seems to be baseless since in Virender Gaur v. State of Haryana [(1995) 2 SCC 577] this Court insisted on the demolition of structure which have been constructed on the lands reserved for common purposes and that this Court did not allow its decision to be frustrated by the actions of a party. This Court followed the said decision in several cases issuing directions and ensuring its enforcement by nothing short of demolition or restoration of status quo ante. The fact that crores of rupees were spent already on development projects did not convince this Court while being in a zeal to jealously safeguarding the environment and in preventing the abuse of the environment by a group of humans or the authorities under the State for that matter."

91: It is true that the tank is a communal property and the State authorities are trustees to hold and manage such properties for the benefits of the community and they cannot be allowed to commit any act or omission which will infringe the right of the Community and alienate the property to any other person or body."

² (2001) 6 SCC 496

³ (2006) 3 SCC 549

20. It is stated that the Government following the various guidelines issued by the Hon'ble Apex Court for protection of the lakes and to maintain ecological balance has issued G.O.Ms.No.571 Revenue Assignment Department dated 14.09.2012 framing guidelines as public policy for allotment of lands. As per the policy of the State, no environmental sensitive and fragile areas such as tank beds, river beds, hillocks with afforestation shall be alienated or allotted. It is further stated that the State Government keeping in mind the object enunciated under the provisions of the Telangana Land Revenue Act, 1317 Fasli and the Telangana Irrigation Act, 1357 Fasli and for implementation of the various guidelines issued by the Hon'ble Apex Court and this Court by way of judicial pronouncements for protecting the lakes/rivers/water bodies, has issued G.O.Ms.No.99, Municipal Administration & Urban Development (GHMC.I) Department dated 19.07.2024 establishing Hyderabad Disaster Response and Asset Monitoring and Protection Agency (for short "HYDRAA") for TCUR (Telangana Core Urban Region) for the purpose of disaster management, asset protection and other functions. The functions entrusted by the Government on the HYDRAA are analogies to the provisions of the Telangana Irrigation Act, 1357 Fasli and one of the wing of HYDRAA addresses the following:

“i. To protect assets of Local Bodies and Government such as parks, layout open spaces, playgrounds, lakes, nalas, land parcels, roads, carriageways, footpaths, etc from encroachments.

ii. Removal of lake encroachments in coordination with GHMC, other local bodies, HMDA, Irrigation department, Revenue department, etc

iii. Coordination with local police for Assets Protection and necessary enforcement, etc

iv. To inspect private premises for building and town planning regulation or removal of dilapidated structures endangering public safety, whenever such requests are received from government agencies like ULBs, UDAs and planning authorities. In exercise of such powers, the HYDRAA authorities shall be deemed to be working under such ULBs, UDA and planning authorities, under the relevant Acts, Rules and Regulations of ULBs, UDA and planning authorities.

v. To take penal action on the violations in connection with advertisements which are in deviation or not authorized vis-à-vis the permissions granted by the concerned Local Bodies and shared on real time database. In exercise of such powers the HYDRAA authorities shall be deemed to be working under such ULBs under the relevant Acts, Rules and Regulations of ULBs.

vi. Any other enforcement work as entrusted by the Government from time to time.”

21. A keen examination of the above would reveal that the special Authority is conferred with the powers of Irrigation Officer appointed under the provisions of the Telangana Irrigation Act, 1357 Fasli. Since powers are traceable under the Statute, there is nothing wrong to entrust with duties and responsibilities of Irrigation Officer by issuing the G.O in addition to the powers conferred under the various enactments.

22. In ***Union of India v. Central Electrical & Mechanical Engg. Service (Ce & Mes) Group 'A' (Direct Recruits) Assn., CPWD***⁴, the Hon'ble Apex Court observed as follows:

"Para 10: It is now a well-settled principle of law that an executive order must be passed in conformity with the rules. Power of the State Government to issue executive instructions is confined to filling up of the gaps or covering the area which otherwise has not been covered by the existing rules. Such office orders must be subservient to the statutory rules."

23. In the instant case, the State is conferred with the power under Section 4 of the Telangana Irrigation Act, 1357 Fasli to appoint any officer or depute any officer to discharge the functions as Irrigation Officer under the provisions of the Act and therefore, by no stretch of imagination, it can be said that the State is not having any power to constitute the HYDRAA. The rivers, tanks being the communal property, must be held and managed by the State authorities as trustees for the benefit of the community at large. It is their duty to protect rivers, tanks or lakes and any allotments made for house sites or other purposes and as there is no legal sanctity to said allotments, which do not confer any valid rights upon the allottees. Since law has already been made by the State, the Court can serve as an instrument of determining the legislative intent in exercise of their powers under judicial review to protect the pristine

⁴ (2008) 1 SCC 354

glory of the natural resources, more particularly, the Musi River in maintaining ecological balance and the various policies enunciated by the Government for the benefit of present and future generations through a careful management and constructive policies.

24. In view of the above, this Court deems it appropriate to issue following directions:

- i) The respondents are directed to strictly implement the guidelines issued by the Hon'ble Apex Court as referred to in various judgments by issuing notices to the encroachers for removal of unauthorized constructions in the River Bed Zone, Full Tank Level (FTL), and Buffer Zone of the Musi River.
- ii) The respondents are further directed to take immediate steps for eviction of illegal and unauthorized occupations in the FTL, River Bed Zone, and Buffer Zone, and to ensure that no sewage contaminates the water flowing in the Musi River.
- iii) The respondents are directed to conduct a detailed socio-economic survey of the persons whose properties are affected by the rejuvenation of the Musi River and to accommodate them in suitable places as per the policies laid down by the Government.
- iv) If the concerned official respondents find that lands under occupation are patta lands or Shikam patta lands, they are directed to intimate or issue notices to the owners of such lands and acquire the lands by paying appropriate compensation in accordance with law.

- v) The respondents are directed to take all necessary steps for removal of temporary or unauthorized structures/constructions which have been made/brought into the tank bed, FTL or River Bed Zone of the Musi River and to complete the task of removing encroachments in a time-bound manner. Further, the respondents are directed to strictly implement the Building Rules, 2012 vide G.O.Ms.No.168 MA & UD Department dated 07.04.2012 and if any, constructions are found in the vicinity of the water bodies of Musi River, they shall be removed by following due process of law.
- vi) The trial Courts are directed to scrupulously follow the guidelines issued by the Division Bench of this Court in ***Municipal Corporation of Hyderabad, Hyderabad vs. M/s.Philomena Education Foundation of India, Hyderabad***⁵ and the Circular instructions issued by this Court in ROC No.14/Registrar Judicial/2023 dated 08.11.2023 before granting stay or other interim injunction orders including temporary injunctions against the removal of illegal encroachments, particularly those in the FTL or River Bed Zone of the Musi River.
- vii) The petitioners or other individuals, including encroachers, are directed to refrain from obstructing surveys being undertaken by the State or its authorities for the fixation of boundaries of the FTL, Buffer Zone, and River Bed Zone of the Musi River. The police authorities are directed to extend necessary security to the Officers of the Irrigation, Revenue, HYDRAA, and Municipal departments for the implementation of the above directions.

⁵ 2008(1) ALT 670 (DB)

viii) The respondents shall initiate suitable criminal action against encroachers and land grabbers involved in the destruction of rivers, water bodies, ponds, and lakes as per the provisions of the Telangana Irrigation Act, 1357 Fasli, and the WALTA Act, 2002.

25. Accordingly, these Writ Petitions are disposed of.

As a sequel, miscellaneous applications pending if any in these writ petitions, shall stand closed. No order as to costs.

Date: 12.11.2024
SCS

C.V. BHASKAR REDDY, J