

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION (PIL) NO: 179 OF 2016 AND W.P.No.9154 of 2017

W.P (PIL) No.179 OF 2016

Between:

Dr.Nagam Janardhan Reddy, S/o Late Sri Venkat Reddy, aged about 68 years, R/o 23C, Hill Ridge Villas, Near ISB, Gachibowli, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Chief Secretary General Administration Department,(GAD) Secretariat Buildings, Saifabad, Hyderabad-022
2. The State of Telangana, Rep. by its Special Chief Secretary Irrigation and Command Area Development, (ICAD) Secretariat Buildings, Saifabad, Hyderabad.-022
3. The Engineer in Chief, (Irrigation and Command Area Development), State of Telangana, (ICAD), Jala Soudha, Erramanzil, Hyderabad
4. Advisor, (Lift Irrigation Schemes) I and CAD Department, Hyderabad, Telangana State
5. Chief Engineer, (Central Designs Organization) Hyderabad, Telangana State
6. The Chief Engineer, Palamuru and Ranga Reddy Lift Irrigation Schemes (PRLIS), State of Telangana, Hyderabad.
7. The Superintendent Engineer, PRLIS, Nagarkumool, Erstwhile Mahboobnagar District
8. The Executive Engineer, (PRLIS), Stage No-1, Kollapur, Nagarkurnool Dist., Erstwhile Mahboobnagar District
9. The State of Telangana, rep by its. Chief Principal Conservator of Forests Aranya Bhavan, Beside, Bina Temple, Saifabad, Hyderabad Tetangana State.-054
- 10.The Divisional Forest Officer, (DFO) Wildlife Management ,Achampet, Nagarkurnool District. , Erstwhile Mahboobnagar District

11. M/s. Navayuga Engineering Company Limited (NECL), Rep by its Managing Director, Plot No. 379, Road No. 10, Jubilee Hills, Hyderabad - 500 033, Telangana, India

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Direction or an Order more particularly one in the nature of Writ of Mandamus, a) declaring the Memo No.10494/Projects-II/A/1/2016 dated 18.11.2016 stating that the proposed land required is allegedly away from the forest area that land requirement is allegedly less and overall cost and time required for execution of underground pumping station is also lesser than the Surface Pumping Station, as in tender document, whereby the Government accorded approval for conversion of Surface Open Cut Pumping station to underground Pumping Station of Package no.1 (Lift) of Palamuru Rangareddy Lift Irrigation Scheme at the alternate site for executing the works subject to suitability of Rock Strata for underground Pumping Station, thereby unceremoniously deviating and changing the site of the Stage-1 Pump house at Narlapur, Anjanagiri Reservoir, from the original open-cut pump house which is about 1.25 km away from the right side of Stage-1 KLI Pump house to the alternate underground site about 300 m to the left side of the Stage-1 KLI Pump house, relentlessly compelled and orchestrated by the Agency, M/s Navayuga Engineering Company Limited (NECL), i.e., (Respondent No.1 herein) thereby gravely endangering the Stage-I KLI Pump House that may become defunct, through close underground blasting, much against repeated decisions by the Steering Committees and the Experts Committee, disfavours the alternate proposal, in violation of conditions of G.O.Ms.No.94, LandCAD Dept., dated 01.07.2003 dealing with tender conditions (Non-EPC), as illegal, arbitrary, against Article 21 of the Constitution of India, requiring the Agency to be blacklisted, b) and consequently order investigation by the Central Bureau of Investigation, (CBI) into the illegalities and irregularities being committed in pursuance of accomplishing the construction of the Palamuru Rangareddy Lift Irrigation Scheme, c) and further direct the Respondent No.3 to furnish Detailed Project Report (DPR) and necessary amounts in the form of DO, which is mandatory for processing of diversion of forest land in Wildlife Management Division, Achampet

for PRLIS Project, though the Principal Chief Conservator of Forest, Telangana State, wrote several letters in this regard but there is no response from the landCAD Department which has caused so much delay.

I.A. NO: 1 OF 2016(WP(PIL)MP. NO: 307 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Stay all construction operations relating to Stage-I Pump House of Palamuru Ranga Reddy Lift irrigation Scheme (PRLIS) at Narlapur, Anjanagiri Reservoirs, at the alternate site/location i.e., 300 metres closer to Stage-I KLI Pump House.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense the presence /appearance of the petitioner on 16.08.2022 in the present WP(PIL) No.179 of 2016.

Counsel for the Petitioner : SMT.B.RACHNA REDDY

Counsel for the Respondent No.1to10 : SRI S.RAHUL REDDY, Spl.G.P
Attached to the Office of Advocate General

Counsel for the Respondent No.11 : --

W.P.No.9154 OF 2017

Between:

1. J. Srinivas reddy, S/o K. Krishna Reddy, Aged 58 years, Occ Agriculture, R/o Yellure Village, Kollapur Mandal, Mahabubnagar District, Telangana State. 509 102.
2. T. Damoder Reddy, S/o. T. Ram Reddy, Aged 40 years, Occ Agriculture, R/o Yellure Village, Kollapur Mandal, Mahabubnagar District, Telangana State. 509 102.
3. K. Venkata Krishna Reddy, S/o K. Nagi Reddy, Aged 48 years, Occ Agriculture, R/o Yellure Village, Kollapur Mandal, Mahabubnagar District, Telangana State. 509 102.
4. Sepati Ramudu, S/o S. Ballaiah, Aged 42 years, Occ Agriculture, R/o Yellure Village, Kollapur Mandal, Mahabubnagar District, Telangana State. 509 102.

...PETITIONERS

AND

1. The State of Telangana, Represented by its Secretary, Irrigation and Command Area Development (Projects-II), Telangana Secretariat, Hyderabad.
2. The Engineer-in-Chief (Irrigation), Jalasoudha Buildings Erramanzil, Hyderabad.
3. The Chief Engineer, Palamoor Ranga Reddy Lift Irrigation Scheme, Jalasoudha Buildings, Erramanzil, Hyderabad.
4. Navayuga Engineering Company Limited, Having its corporate office at Plot No. 379, Road No.10, Jubilee Hills, Hyderabad. 500 033. Represented by its Managing Director.
5. The Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhavan, Jorbagh Road, New Delhi-110 003, rep. by its Secretary.
6. The Additional Principal Conservator of Forests, Regional Office (SEZ), I and II Floor, Handloom Expert Promotion Limited, Cathedral Garden Road, Nungambakam, Chennai-34.
7. The Divisional Forest Officer, Forests Department, Achampet Division, Mahabubnagar District.

(RR 5 to 7 are impleaded as per Court Order dated 27/04/2017 in WPMP NO.15931/2017.)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the Memo No.10494/Projects-II/A1/2016, dated 18.11.2016 issued by the 1st Respondent herein in approving the alternative re-alignment/ re-designing of the package No.1 of Palamoor Ranga Reddy Lift Irrigation Scheme at Yellur Village of Kollapur Mandal forming part of Nagar Kurnool District from original open cut (surface pumping station) to underground (pumping station) tunnel system as illegal and arbitrary and consequently to set-aside the same and further to direct the respondents to proceed with the Original design as per Tender awarded to the 4th respondent and pass such other or orders as are deemed fit and proper in the circumstances of the case.

I.A. NO: 1 OF 2017(WPMP. NO: 11333 OF 2017)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further constructions in pursuance of the alternate alignment of underground pumping station at package No.1 of the PRLIS by suspending the Memo No.10494/Projects-II/A1/2016, dated 18.11.2016, pending disposal of the above Writ Petition.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to dispense the presence /appearance of the Petitioner on 16.08.2022 in the present WP No.9154 of 2017.

I.A. NO: 3 OF 2017(WPMP. NO: 15932 OF 2017)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to receive the above additional affidavit.

Counsel for the Petitioner : M/s.P.SHASHI KIRAN

**Counsel for the Respondent No.1to10 : SRI S.RAHUL REDDY, Spl.G.P
Attached to the Office of Advocate General**

The Court made the following: COMMON ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHÉ

AND

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

W.P.(PIL) No.179 OF 2016 and W.P.No.9154 of 2017

COMMON ORDER: *(per the Hon'ble Shri Justice Anil Kumar Jukanti)*

Ms. B.Rachana, learned Senior Counsel appears for petitioner in W.P.(PIL).No.179 of 2016.

Mr. S.Rahul Reddy, learned Special Government Pleader attached to the office of learned Advocate General appears for State in both the writ petitions.

2. As the subject matter involved in both the petitions is same, they are being heard together. For reference, W.P.(PIL).No.179 of 2016 is being considered.

3. W.P.(PIL).No.179 of 2016 is filed seeking the following relief:

“...to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus a) declaring the Memo No.10494/Projects-II/A1/2016 dated 18.11.2016

stating that the proposed land required is allegedly away from the forest area that land requirement is allegedly less and overall cost and time required for execution of underground pumping station is also lesser than the Surface Pumping Station, as in tender document, whereby the Government accorded approval for conversion of Surface Open Cut Pumping station to underground Pumping Station of Package No.1 (Lift) of Palamuru, Ranga Reddy Lift Irrigation Scheme at the alternate site for executing the works subject to suitability of Rock Strata for underground Pumping Station, thereby unceremoniously deviating and changing the site of the Stage-1 Pump house at Narlapur, Anjanagiri Reservoir, from the original open-cut pump house which is about 1.25 km away from the right side of Stage-1 KLI Pump house to the alternate underground site about 300 m to the left side of the Stage-1 KLI Pump house, relentlessly compelled and orchestrated by the Agency, M/s Navayuga Engineering Company Limited (NECL) i.e., (Respondent No.11 herein) thereby gravely endangering the Stage-I KLI Pump House that may become defunct, through close underground blasting, much against repeated decisions by the Steering Committees and the Experts' Committee disfavoured the alternate proposal, in violation of conditions of G.O.Ms.No.94, I&CAD Dept., dated 01.07.2003 dealing with tender conditions (Non-EPC), as illegal, arbitrary, against Article 21 of the Constitution of India, requiring the Agency to be blacklisted, b) and consequently order investigation by the Central Bureau of Investigation (CBI) into the illegalities and irregularities being committed in pursuance of accomplishing the construction of the Palamuru Ranga Reddy Lift Irrigation Scheme, c) and further direct the Respondent No.3 to furnish Detailed

Project Report (DPR) and necessary amounts in the form of DD, which is mandatory for processing of diversion of forest land in Wildlife Management Division, Acharpet for PRLIS Project, though the Principal Chief Conservator of Forests Telangana State, wrote several letters in this regard but there is no response from the I&CAD Department which has caused so much delay and such other order or orders..."

4. Grievance of petitioner is that undertaking the construction of underground pump house by according approval for conversion of Surface Open Cut Pumping Station to underground Pumping Station of Package No.1 (Lift) of Palamuru-Rangareddy Lift Irrigation Scheme (for short 'PRLIS) would gravely endanger the Stage-I KLI Pump House and that it may become defunct, as underground blasting is contemplated. It is further the grievance that diversion of forest land (in Wildlife Management Division) for this project is improper.

5. A counter affidavit has been filed by respondent No.2 stating that a Committee of Experts considered the subject matter and it was opined that instead of open cut pump

house, an underground pump house would be most suitable and construction work of underground pump house was taken up. Expert report on blasting work was sought from National Institute of Rock Management (for short 'NIRM') and blasting work was entrusted to NIRM. It is further stated that proposals were submitted by the Chief Engineer, PRLIS, Hyderabad to concerned authorities. In paragraph Nos.49, 50 and 51 of counter affidavit steps taken by State Government have been stated, which are as follows:

"49) In reply to para-4 (xxxviii) of the affidavit, it is submitted that, the averments of petitioner is denied. It is further submitted that, based on the Forest Officials letters dated:12-07-2016 and dated:02-09-2016, the Departmental committee consisting of Engineer-in-Chief (Irrigation) Chairman, OSD to CM, Chief Engineer, Central Designs Organisation, Chief Engineer, Palamuru Rangareddy Lift Irrigation System (PRLIS) and Advisor Lift Irrigation System, on 13.09.2016, have discussed the delay in forest land acquisition and other technical parameters and opined that being the first pumping House, completion of this package in time is very

essential to match to the programme of Government for the Project, duly considering report the of NIRM at the alternate site, the committee has accepted the underground pump house complex proposals submitted by the Chief Engineer, Palamuru Rangareddy Lift Irrigation System (PRLIS), Hyderabad by which there won't be any forest land involved and the work can be taken up immediately and proceeded.

50) It is furthermore submitted that the committee has also directed to avoid any negative impact on the existing Kalwakurthy Lift Irrigation (KLI) pump house due to blasting operations and special care has to be taken by adopting controlled blasting at the vulnerable locations identified during the course of execution. Accordingly NIRM institute was entrusted with the work and 70% of Earth work Excavation is completed without affecting the existing Kalwakurthy Lift Irrigation Scheme.

51) in reply to para-5 to 9 of the affidavit, it is submitted that, the entire open pump house complex i.e., Surge Pool, Draft Tubes, pump House, Delivery Mains and Delivery Cistern etc. are located in the Reserved Forest Area. The Forest clearance by MOEF & CC will be accorded in two stages related to Irrigation projects. Initially, First Stage clearance, in period of

nearly one year, will be given. Then Second Stage clearance will take long time depending upon the nature of acquisition. Since it is the First Pumping Station the success of the project will depend on this pumping station. Any delay in this pumping station would cause overall delay of the project, keeping in view all these aspects, and feasibility report of NIRM at the alternate site, the committee has accepted the underground pump house complex by which there won't be any issue of Forest land involved and the work can be taken up immediately."

6. During the course of submissions, it is submitted by learned Special Government Pleader appearing on behalf of State Government that the project is completed and is operational and around two TMCs of water is being drawn from pump house.

7. In view of the submissions made and the stand taken in the counter affidavit, grievance of the petitioner is redressed. Hence, no further orders need to be passed.

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8. Accordingly, W.P.(PIL) and W.P. are closed. No order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

SD/- T. TIRUMALA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SMT.B.RACHNA REDDY, Advocate. [OPUC]
2. Two CCs to SRI S.RAHUL REDDY, Spl.G.P Attached to the Office of Advocate General, High Court for the State of Telangana at Hyderabad.
[OUT]
3. Two CD Copies.

BSK
GJP

CHR

HIGH COURT

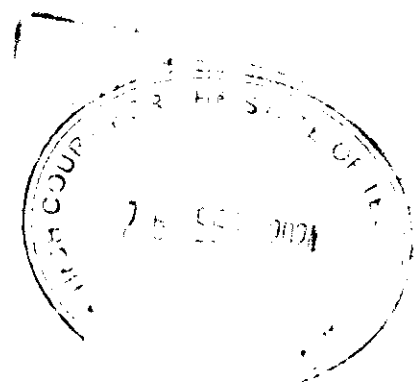
DATED:27/06/2024

COMMON ORDER

WP(PIL).No.179 of 2016

&

W.P.No.9154 OF 2017



**CLOSING THE WRIT PETITION (PIL)
& WRIT PETITION
WITHOUT COSTS**

⑥
CHP
26/8/24