

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

WEDNESDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

SUOMOTU WP(PUBLIC INTEREST LITIGATION) NO: 10 OF 2023

Between:

News item published in the Times of India English daily Newspaper Hyderabad City Edition dated 12-12-2023 under the caption “**Durgam Cheruvu chokes on sewage will Hyderabad rescue its iconic lake?**”.

Petitioner

AND

1. State of Telangana, represented by its Chief Secretary, Secretariat, Hyderabad.
2. State of Telangana, represented by its Special Chief Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
3. State of Telangana, represented by its Principal Secretary, Irrigation and Command Area Development (CA) Department, Secretariat, Hyderabad.
4. State of Telangana, represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
5. Greater Hyderabad Municipal Corporation, Represented by its Commissioner, Tank Bund, Hyderabad.
6. The Managing Director, Hyderabad Metropolitan Water Supply and Sewerage Board, Khairthabad, Hyderabad.
7. Hyderabad Metropolitan Development Authority, Represented by its Commissioner, Hyderabad.
8. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Serilingampally Zone, Ranga Reddy District.
9. The District Collector, Ranga Reddy District.

Respondents

Petition under Article 226 of the Constitution of India praying that in compliance with the orders of the Chief Justice dated 13/12/2023 and for the reasons published in the news item in the “Times of India” English Daily News Paper, Hyderabad Edition, dated 12-12-2023 published under the caption “**Durgam Cheruvu chokes on sewage will Hyderabad rescue its iconic lake?**” this Honourable court may be pleased to issue appropriate Writ, order or orders more particularly in the nature of Writ of Mandamus by issuing necessary directions to the respondents herein for the protection of City’s Iconic Durgam Cheruvu from pollution due to pharmaceuticals, herbicides, fungicides, pesticides, hormones, steroids, UV filters, plasticizers, cyanotoxins and metabolites in the water and to follow a stringent

approval process for commercial establishments to come up around the lake and to establish new Sewerage Treatment Plants for purification of sewage water.

The petition coming on for hearing, upon perusing the news item filed in support thereof and the order of the High Court dated 16.12.2023, 22.12.2023 made herein and order dated 19.02.2024 made in IA. No. 1 of 2024 and upon hearing the arguments of GP for GAD, for the Respondent No.1 and Sri Pasham Krishna Reddy, GP for Municipal Admn., & Urban Development for the Respondent No.2 and Sri Sourtabh Raj, learned counsel representing Sri. M. Hareesh Kumar, GP for I & CAD for respondent 3 and Sri T. Srikanth Reddy, GP for Revenue for the Respondent Nos.4 to 9 and Sri C.H. Jayakrishna, learned counsel represents Sri Katika Ravinder Reddy, SC for GHMC for the Respondent No.5 and Sri G. Narender Reddy, SC for HMWSSB, for the Respondent No.6 and Sri V. Narasimha Goud, SC for HMDA, for the Respondent No.7, the Court made the following.

ORDER:

Mr. Pasham Krishna Reddy, learned Government Pleader for Municipal Administration and Urban Development Department appears for respondent No.2.

Mr. Sourabh Raj, learned counsel represents Mr. M.Hareesh Kumar, learned Government Pleader for Irrigation for respondent No.3.

Mr. T.Srikanth Reddy, learned Government Pleader for Revenue appears for respondents No.4 and 9.

Mr. C.H.Jayakrishna, learned counsel represents Mr. K.Ravinder Reddy, learned Standing Counsel for respondent No.5- Greater Hyderabad Municipal Corporation.

Mr. G.Narender Reddy, learned Standing Counsel appears for respondent No.6- Hyderabad Metropolitan Water Supply and Sewerage Board (HMWSSB).

2. A news item was published in Times of India (English) daily newspaper of Hyderabad Edition dated 12.12.2023, under the caption 'Durgam Cheruvu chokes on sewage will Hyderabad rescue its iconic lake?'.
?

3. On the basis of the aforesaid news item, the writ petition was directed to be registered as a Public Interest Litigation (PIL).

4. This Court, by the said order, appointed a committee consisting of the following members:

1. Dr. Atul Narayan Vaidya, Director, National Environmental Engineering Research Institute, Nehru Marg, Nagpur.

2. Principal Secretary, Irrigation and Command Area Development (CAD) Department, Secretariat, Hyderabad.

3. Ms. M. Shanthi Vardhani, Secretary, High Court Legal Services Committee, Hyderabad.

5. The aforesaid committee has visited the lake and has submitted a report to us in a sealed cover. The sealed cover has been opened. We have perused the report.

6. In the report, it is stated that Durgam Cheruvu, which is also known as Raidurgam Cheruvu, is a fresh water lake that covers a surface area of 160.70 acres located in Ranga Reddy District in the State of Telangana. The said lake is also known as secret lake because it is hidden between the localities of Jubilee Hills and Madhapur. The maximum depth of the lake is 10 to 13 meters. The Durgam Cheruvu cable bridge, which traverses the lake was inaugurated in September, 2020, which links Jubilee Hills to Madhapur and Hitech City. The lake has been designated as a protected area because of its unique rock formations adjoining the lake.

7. In the report, it has been noticed that two Sewerage Treatment Plants (STPs) have been set up by HMWSSB. One STP works on the extended aeration with 5 MLD capacity and the other STP on sequencing batch reactor technology with a capacity of 7 MLD. The sewage from Madhapur area of approximately 20 MLD runs through a channel of capacity 30 MLD.

It has further been stated in the report that out of total generation of 30 MLD sewage, only 12 MLD is treated in the STPs and the remaining

quantity of untreated sewage coming from Madhapur is let out through another drain, which finally goes into Malkam Cheruvu. It has been mentioned in the report that no STP is present in the downstream of Drugam Cheruvu before Malkam Cheruvu. It was observed by the committee that some amount of raw sewage from the Madhapur area is flowing into Durgam Cheruvu.

8. It has further been stated in the report that a storm water drain is also present near the entrance of the lake. Total coliform was detected in the samples, which were taken and E.Coli was detected in all the samples except for 5 MLD STP outlet.

9. The committee has also assessed the lake water quality and has found out that heavy metals such as iron, manganese, nickel and zinc and metalloids such as arsenic and boron are present in the traces in the lake water. The heavy metal concentration in the lake water is below standards as per the sediment quality guidelines.

10. The report further states that the work of laying pipes was taken by HMWSSB along the periphery of Durgam Cheruvu to divert the sewage water from the sources to the downstream side of the tank. However, the aforesaid work is yet to be completed. Though the Durgam Cheruvu is a notified water body and a preliminary notification notifying the FTL boundary to the extent of 160.6 acres has been issued, yet the final notification has not been issued.

11. The details of encroachment on the Durgam Cheruvu have been mentioned in page 10 of the report.

12. As per the FTL boundary map, the committee has found that 78 structures are within the FTL level and 146 structures are in buffer zone of Durgam Cheruvu, which have been developed with all civic amenities.

13. It has also been stated in the report that Government of Telangana in coordination with

M/s K.Raheja IT Park Private Limited started developing the Durgam Cheruvu as a tourism spot and are maintaining the remaining water area of lake with fencing, clearing the water from water hyacinth and other floating matter. However, it was noticed by the committee that ring sewer pipeline was choked with floating matter at inlet-1 due to which sewage entered the lake. The committee has also inspected the ring sewer pipeline with HWMSSB staff and has identified the spot and the work of restoration of choked pipeline is in progress.

14. It has been further stated in the report that the fencing work of the lake has been completed except 300 meters length due to objection of landlords and due to pending litigations.

15. In the report it has further been stated that a walking track has been developed along the periphery of the lake boundary and 60 CCTV cameras have been installed.

16. The committee has suggested short term measures as well as long term measures for restoration/preservation of Durgam Cheruvu lake, which read as under:

Short Term Measures:

- Check the authorized/Unauthorized developments around the lake.
- Prevention of pollution from point and non-point sources from entering the lake.
- Regularly monitor the quality of treated water from STPs coming to the lake.
- Silt accumulated in the lake must be removed on regular basis.
- Regular monitoring of the storm water drains should be carried out.
- Fishing is to be organised in a proper manner and the fishing techniques have to be monitored. Strict fine needs to be imposed for violation of any rules of fishing.

- Silt traps to be installed for all the inlets irrespective whether the water flows during the monsoon season or not.
- At the end of every monsoon season, the lake and sediment quality has to be monitored and GHMC to take up the cleaning of the lake after the monsoon season. A proper standard operating procedure (SOP) has to be delineated for the same.
- Care has to be taken to see that the water from the Ganesh immersion pond does not enter the lake.
- The excess sewage during the monsoon season also has to be bypassed and should not be let into the lake.
- Installation of sign boards around the lakes showing the lake details and also mentioning to avoid dumping into the lakes.
- Promoting public education programs regarding the proper use and disposal of waste materials and regular monitoring of lake, which are rudimentary.
- Soil conservation measures, bank/slope erosion control measures, afforestation, drainage improvements, and diversion of silt-carrying channels away from the lake may be undertaken.
- The sewage sometimes enters the lake through the sewerage line from Madhapur area. The sewage should not be allowed to enter the lake at any time of the year here are few inlets to the lake through which the monsoon water flows into the lake during the rainy season. Precautions need to be taken for the same.
- Regular maintenance of STPs, and I&D structure to be carried out

Long term measures

Survey of the lake: The lake should be surveyed freshly by the Revenue Department as well as Irrigation and Public Works Department. The survey should include the complete details of the inlet, flow of the inlets, storm water drain, runoff from the mountain, actual boundary of the lakes, actual water filled area, outlet of the lake, survey number of villages etc. A buffer zone of 30 m for the lake and 15 m for the drains

should be demarcated, wherever feasible, in the survey map to avoid any further encroachments. The map should be available for the common public.

Baseline Monitoring - Lake water quality monitoring should be conducted to assess the extent of eutrophication, if any. Over time, baseline monitoring is repeated to evaluate trends in water quality conditions.

Diagnostic Study - Intensive water quality monitoring should be conducted, typically over the course of a year, to characterize water quality conditions and to identify specific water quality problems that need attention.

Watershed Assessment - Evaluation of important watershed features, such as land uses and soil types, should be conducted to identify active or potential sources of pollution, if any, that need to be addressed to protect and improve lake water quality.

Sewage Management: Since sewage intrusion is one of the main cause of lake pollution, extensive measures to control the inflow of untreated sewage in lake should be implemented. The tertiary treatment of STPS has to be installed. The BOD of the treated water from STP ranged from 12.4 to 19.2 mg/l and the treated water is being let out into the lake. In order to maintain the BOD of treated water below 5 mg/l, a tertiary treatment system along with disinfection in both STPs should be installed. This may reduce the organic as well as bacterial load in the lake waters. Also, the performance evaluation of the STPs to be monitored on regular basis. Increase in treatment capacity of existing STPs is also recommended as long term measure.

Waste management: Solid and semi solid wastes entering in to the lake from external sources must be stopped. Well-designed and strategically located waste bins around the lake area to be installed. Regular collection and proper disposal of waste to prevent littering to be ensured. Regular clean-up events to be organised involving the local bodies and

communities and other organizations to remove accumulated waste around the lake.

Dredging and de-silting: Depending on feasibility and affordability, removing the unwanted silt upto a depth of 0.5 to 1.0 m is recommended to maintain the depth of lake. Dredging of the sediments in the lakes helps to improve the soil permeability, water holding capacity and groundwater recharge. The sediments contain a mixture of silt, sand and stones. The sediments may be used for formation of landscaping works, improvement to existing bund.

Construction of silt traps/screens at inlet points: Silt Traps/Screen are proposed to be constructed across the existing inlets. Silt traps are to be constructed to stop the entry of floating debris and fresh sediments/silt into the lakes. This would help in maintaining the lake free of siltation and floating solids. Maintenance of Silt traps and Screen Barriers should be done on a regular basis.

Establishing Buffer Zones and Green Belts: Establish clearly demarcated buffer zones for common public. Scientifically designed green belts around the lake may be developed to act as natural filters and prevent pollutants from entering the water.

17. Office is directed to supply a copy of the report to learned counsel for the respondents today itself, who shall go through the same, seek instructions and apprise this Court, the plan of action, which has to be taken to implement the short term measures as well as long term measures for restoration/preservation of Durgam Cheruvu lake.

18. List on 28.02.2024.

//TRUE COPY//

**SD/-K. SREERAMA MURTHY
ASSISTANT REGISTRAR**


SECTION OFFICER

To,

1. The Chief Secretary, State of Telangana, Secretariat, Hyderabad.
2. The Special Chief Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
3. The Principal Secretary, Irrigation and Command Area Development (CA) Department, State of Telangana, Secretariat, Hyderabad
4. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
5. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
6. The Managing Director, Hyderabad Metropolitan Water Supply and Sewerage Board, Khairthabad, Hyderabad.
7. The Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad.
8. The Zonal Commissioner, Greater Hyderabad Municipal Corporation, Serilingampally Zone, Ranga Reddy District.
9. The District Collector, Ranga Reddy District. (1 to 9 by RPAD)
10. Dr. Atul Narayan Vaidya, Director, CSIR-NEERI, Hyderabad Zonal Center, IICT Colony, Tarnaka, Secunderabad, Telangana- 500 007.
11. The Section Officer, WP (DB) Section, High Court at Hyderabad
12. One CC to Sri Vedula Srinivas, Amicus Curiae.
13. Two CCs to GP FOR MA & UD, High Court at Hyderabad. [OUT]
14. Two CCs to GP FOR I & CAD, High Court at Hyderabad. [OUT]
15. Two CCs to Sri T Srikanth Reddy GP FOR REVENUE, High Court at Hyderabad. [OUT]
16. One CC to Sri Katika Ravinder Reddy, Advocate (OPUC)
17. One CC to Sri G. Narender Reddy, Advocate (OPUC)
18. One CC to Sri V. Narasimha Goud, Advocate (OPUC)
19. Ms. M. Shanthi Vardhani, Secretary, High Court Legal Services Committee, Hyderabad.
20. Two spare copies

HIGH COURT

H C J
&
JAK,J

DATED: 21/02/2024

NOTE: LIST ON 28.02.2024

ORDER

SUO MOTU WP(PIL).No.10 of 2023

DIRECTION

