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Status: **Pending**

Case Number: **WP 38401/2014**
(KAHC010473412014)

Classification: **GM RES**

Date of Filing: **07/08/2014**
11:44:13

Petitioner: **CITIZENS ACTION**
GROUP

Pet. Advocate: **ROHAN**
KOTHARI

Respondent: **THE STATE OF**
KARNATAKA

Resp. Advocate: **GOVT**
ADVOCATE FOR R1 & 2

Filing No.: **WP 38401/2014**

Judge: **ALOK ARADHE AND S**
VISHWAJITH SHETTY

Last Posted For:
PRELIMINARY HEARING

Last Date of Action:
22/04/2022

Last Action Taken:
ADJOURNED

Next Hearing Date:

Daily Orders: WP 38401/2014

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| 1 | ALOK ARADHE AND S VISHWAJITH SHETTY | <u>22/04/2022</u> |
| | List on 26.05.2022. | |
| 2 | ALOK ARADHE AND S VISHWAJITH SHETTY | <u>18/04/2022</u> |

ORDER IN W.P.NO.38401/2021 Smt.Jayna Kothari, learned Senior counsel for the petitioner. Mr.Dhyan Chinnappa, learned Additional Advocate General for the State – respondents. Mr.G.R.Mohan, learned counsel for the petitioner in W.P.No.11044/2018. In compliance of the order dated 01.04.2022, the State Government has filed compliance memo. Learned Senior counsel for the petitioner has invited the attention of this Court to the aforesaid compliance memo dated 11.04.2022 and has pointed out that the State Government has found the following encroachments in respect of Subramanyapura lake: (1) There is an encroachment of 1 acre 7 guntas which space is utilised for the purpose of link road between Subramanyapura and Uttarahalli and this road, is presently being used by the general public and is the only connecting road between Subramanyapura and Uttarahalli. (2) There is also encroachment of 3 acres 39 guntas by Slum Dwellers and this slum is called Bhuvaneshwarinagara Kolache Pradesha, Uttarahalli. This slum is notified slum as per order dated 18.03.2005 bearing No.KSACR 4/2003-04 which got notified in official gazette on 14.04.2005. The encroachment by slum dwellers needs to be carried out by Slum Clearance Board as it is a notified slum. Similarly, in respect of Begur lake, the following encroachments have been found: (1) An extent of 6 acres 37 guntas is encroached by private persons in the lake area. (2) Encroachment to an extent of 1 acre 36 guntas is already removed. Remaining private encroachment area measuring an extent of 5 acres 1 guntas requires to be removed. (3) The encroachment of lake area by Government is 3 acres 26 guntas for the purpose of Nice Road and public road. (4) An extent of 11 guntas is utilized for the purpose of formation of island in the middle of the lake for the purpose of developing tourism in the area for the benefit of general public. BBMP is proposing to develop this island. Details and particulars in this regard will have to be furnished by BBMP. The said 11 guntas is shows as Block No.VIII in blue colour in the survey sketch. At this stage, Mr.V.Raghunath, learned counsel for the Lake Development Authority submits that it has no authority to remove the encroachment. On the last date of hearing, Mr.Amit Deshpande, learned counsel who had appeared for BBMP had apprised this Court that the Lake Development Authority alone has the authority. In view of aforesaid propagatory stand, learned Additional Advocate General shall make a statement before the Court with regard to the competent authority as well as the steps which may be taken for removal of encroachments, on or before the next date of hearing. It will be open for the respondents to file objections to the application which has been filed by the State Government for recalling the orders dated 02.06.2021 and 16.06.2021. List on 22.04.2022.

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| 3 | ALOK ARADHE AND S VISHWAJITH SHETTY | <u>11/04/2022</u> |
| | Mr.V.Raghunath, learned counsel for Lake Development authority submits that Lake Development Authority has already carried out the inspection and shall submit a status report within two weeks by 13.04.2022. List on 18.04.2022. | |
| 4 | ALOK ARADHE AND S VISHWAJITH SHETTY | <u>01/04/2022</u> |

W.P.No.38401/2014 In W.P.No.38401/2014, learned Senior counsel for the petitioner has invited the attention of this court to the directions contained in the order dated 16.06.2021 and has pointed out that the respondents in particular, the BBMP and the State Government have not complied with the following directions: (i) Even though survey in respect of Arehalli Lake has been undertaken, yet the survey report has not been annexed by BBMP. (ii) Despite the direction contained in the order dated 16.06.2021, the State Government has not taken any action for removal of encroachment by Muzrai Temple over an area measuring 8.08 guntas. (iii) Despite a direction to the State Government, the State Government has not undertaken the survey of lakes and buffer zones in the State. Learned Additional Government Advocate undertakes to place on record the steps taken by the respondent in respect of removal of encroachment on land measuring 8.08 guntas by Muzrai Temple on or before next date of hearing. Learned Additional Government Advocate further states that in pursuance of the directions contained in the order dated 16.06.2021, the State Government has carried out a survey of lakes and buffer zones and undertakes to produce the survey report on the next date of hearing.

W.P.No.29107/2019 In W.P.No.29107/2019, learned Additional Government Advocate submits that the entries made in the RTC extract have been corrected and the area for the burial ground has been separately earmarked and the entries lake in Mysore has been restored. In view of aforesaid submission, I.A.No.1/2021 in WP No.29107/2019 is disposed of. W.P.No.38401/2014 At this stage, respondent No.8 in W.P.No.38401/2014 submits that he has filed a memo in the Registry of this court on 31.03.2022. It is further submitted that the encroachments are taking place on Subramanyapura Lake, Bengaluru. In view of aforesaid submission, learned counsel for BBMP states that the Subramanyapura Lake is managed by BBMP. The competent authority of the BBMP is therefore, directed to undertake a survey of the aforesaid lake and to ascertain the area of encroachment on the lake as well as its surrounding area. The BBMP shall submit a report in this regard on or before the next date of hearing and shall also apprise this court with regard to the steps, which shall be taken by BBMP to remove the encroachment on the lake. It is also pointed out by respondent No.8 that a Raja Kaluve is situated adjacent to Subramanyapura Lake and the aforesaid Raja Kaluve is under encroachment. In view of aforesaid submission, learned counsel for BBMP submits that the aforesaid Raja Kaluve has not been handed over to the BBMP and the BDA has carried out the survey before handed over to BBMP and the same can be handed over to BBMP after a notification is issued in this regard by the State Government. In view of the aforesaid submission, learned counsel for the BDA as well as the State government undertake today to initiate action for the transfer of the management of the said Raja Kaluve to the BBMP on or before next date of hearing. In the meanwhile, BBMP is directed to take effective steps to prevent encroachment on the Subramanyapura Lake. Learned AGA shall also report compliance with regard to removal of encroachment on the Begur Lake on or before next date of hearing. Heard on I.A.2, 3, 4, 5 & 6/21. Mr.Pradeep Naik, learned counsel for the impleading applicants submits that the applicants are public charitable trust who are interested in the upkeep of the lake areas. Learned senior counsel for the petitioner submits that she does not object to the impleadment of the impleading applicants. For the reasons assigned in the applications which are duly supported by an affidavit, the same are allowed. Let the necessary amendment be carried out within a period of one week. Let I.A.12-17/2021 be posted for consideration on the next date of hearing. In the meanwhile, it will be open for the petitioner to file objections to the same. WA 1226/2021 Learned Senior Counsel for the petitioner submitted that a report with regard to the current status of land as well as the details of the encroachments, if any, in the land which is the subject matter of this petition may be called for from the Lake Development Authority. Learned counsel for Lake Development Authority undertakes to produce status report of the land in question on or before next date of hearing. W.P.No.4964/2021 In W.P.No.4964/2021, learned counsel for the Karnataka Lake Conservation and Development Authority undertakes to initiate steps for removal of encroachment of Puttenahalli Lake under the provision of Section 24 of the Karnataka Lake Conservation and Development Authority Act, 2015 and to report compliance on or before next date of hearing. List on 11.04.2022.