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KARNATAKA LOKAYUKTA, BENGALURU

No:Compt/LOK/BCD-2529/2018 Date : 11-09-2018

ORDER

The complaint filed by Sri.H.S.Doreswamy for rejuvenation of lakes was originally registered in No.Compt/LOK/BCD-2253/2017. Subsequently, I passed an order for splitting of that complaint into several complaints confining to each one of the lakes in respect of which grievance has been made by Sri.H.S.Doreswamy. Accordingly, the grievance in respect of **Horamavu Lake** has been registered in this complaint.

2. While dealing with the grievance in respect of all the lakes in my order dated 17-01-2018, so far as **Horamavu Lake** is concerned, at paragraph 9 of the order, I have observed as follows:-

“9. In my order dated 08-11-2017, I have given three months time for survey of the lakes in question which are within the jurisdiction of BDA. Almost two months are over. Having regard to the facts and circumstances of the case, time is granted to complete the survey work to



identify the encroachment of the said lakes till March 2018. It is needless to point out, that the Joint Director of Land Records, Bengaluru Urban and the Deputy Commissioner, Bengaluru Urban District shall take immediate steps to get the four lakes viz., Arakere lake, Horamamu lake, Chikkabanavara lake and Mallasandragudde lake surveyed and the encroachment portion to be identified etc., and submit a report. It is needless to point out that the Bengaluru Development Authority should ensure that the earlier direction given to get the survey and other works done is complied with.”

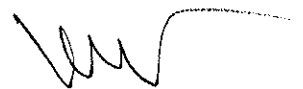
3. However, the notice of the proceedings has not been issued to the BDA and therefore no one is present on behalf of the BDA. However, Sri Bhat, Advocate appeared along with Sri. H.D.Kumaraswamy, Senior Environmental Officer, KSPCB. They jointly submitted that a status report has been submitted before me on 28-11-2017. Having regard to the facts and circumstances of the case, I am of the view, it would be in the interest of justice that the 2<sup>nd</sup> respondent i.e., the Chairman, Karnataka State Pollution Control Board, to get the



lake inspected again and submit a status report by the next date of hearing. The 1<sup>st</sup> respondent Commissioner, BDA is also directed to comply with my order dated 17-01-2018 extracted above. No doubt the BDA in its report dated 25-09-2017 has taken a stand that the encroached portion is to be identified by the Deputy Commissioner, Bengaluru Urban District. It is useful to extract the said portion of the report submitted by the BDA, which reads as hereunder:

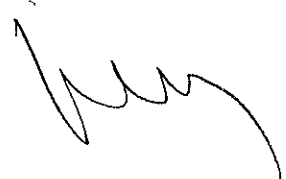
**“(Ref: LOK.BCD 2253/2017, Dated 16-08-2017)  
Report on behalf of the Bangalore  
Development Authority pursuant to the above  
cited letter vide reference.**

<b>Name of lake and complaint</b>	<b>Compliance by BDA</b>
Arakere Lake: The lake has been reportedly encroached by a number of private entities. Inflow of untreated sewage is also a matter of concern for the lake	The lake boundary has to be surveyed and the encroachment in the lake has to be identified and cleared by the revenue authorities. However BDA has requested Deputy Commissioner (Urban) to survey and fix the boundaries of lakes in BDA jurisdiction.  Regarding inflow of untreated sewage into the lake, the BWSSB has to take necessary action and comply.
Horamavu Lake” The lake	The lake boundary has to



<p>is totally neglected. There is a dumping of debris, encroachment and inflow of untreated sewage. Encroachment is also evident with regard to the road providing access to the apartments built on encroached lake area.</p>	<p>be surveyed and the encroachment in the lake has to be identified and cleared by the revenue authorities. However BDA has requested Deputy Commissioner (Urban) to survey and fix the boundaries of lakes in BDA jurisdiction.</p> <p>Regarding inflow of untreated sewage into the lake, the BWSSB has to take necessary action and comply. DPR for the restoration of the lake has been approved by technical committee - KLCDA but work cannot be taken up until the stoppage of sewage entry into the lake.</p>
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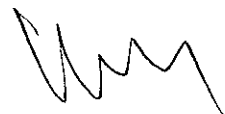
4. The report indicates that the Deputy Commissioner, Bengaluru Urban District and the Survey Department has to take steps to get the boundary of the lake identified. In the light of the said stand taken, Sri Pabbi Shetty, appearing for the complainant Sri Doreswamy submits that, it is desirable to implead the Deputy Commissioner, Bengaluru Urban District and the Joint Director of Land Records, Bengaluru Urban District as respondents. He also pointed out that it is also desirable to implead the BWSSB by its Chairman. In



the light of the statement made by Sri Pabbi Shetty, it is desirable to implead the Deputy Commissioner, Bengaluru Urban District, the Joint Director of Land Records, Bengaluru Urban District and the Chairman, BWSSB, Bengaluru as respondents 3, 4 & 5 respectively and issue notice to all the respondents in this proceedings.

5. The respondents 3 & 4 are directed to get the **Horamavu Lake** surveyed and to fix the boundary of the lake area by the next date of hearing. The BDA also is directed to get the lake area surveyed and identified the boundaries.

6. Sri Kumaraswamy appearing on behalf of the 2<sup>nd</sup> respondent has submitted that the Karnataka State Pollution Control Board is monitoring the quality of water in the lake. Having regard to the facts and circumstances of the case, the 2<sup>nd</sup> respondent is directed to reduce the pollution level of the lake and take appropriate steps to control pollution level and to submit a report with report to

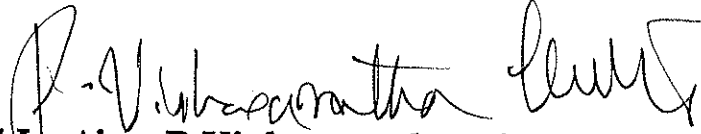


the steps they have taken by the next date of hearing.

7. Office to implead the Chairman, BWSSB as respondent in this complaint and issue notice of this complaint to him.

8. Communicate this order to the complainant and to the respondents forth with both by E-mail as well as by means of postal service.

**List this matter on 30-10-2018 at 3.00 p.m.**

  
**(Justice P. Vishwanatha Shetty)**  
Lokayukta, State of Karnataka

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