



FTL, BUFFER ZONE AND G.O.111 AREA DEMOLITIONS BY HYDRAA – LEGAL PERSPECTIVE

(Summary: This article covers the legal ramifications of the demolitions in the FTLs, buffer zones, G.O. 111 Lands and background and the applicable legislations with special emphasis on the powers of HYDRAA and pertinent HC and NGT rulings.)

In the past few months, Hyderabad has witnessed a whirlwind of demolitions of illegal constructions encroaching the Full Tank Level (“**FTL**”) lands, buffer zones and lands covered under the Government Order 111 issued by the Municipal Administration and Urban Development (“**MA&UD**”) Department of Government of Andhra Pradesh on March 8, 1996 (“**G.O. 111 Lands**”) owing to the actions of Hyderabad Disaster Response and Assets Protection Agency (“**HYDRAA**”). HYDRAA was formed on July 19, 2024¹ as a newly constituted agency by the present Government of Telangana under the MA&UD Department, to tackle the long-standing environmental and regulatory issues around protected lands, whose recent actions have left many businesses and residents with a sense of uncertainty and unprecedented losses. As they say, "When it rains, it pours," and this flood of action is certainly making waves in the city, sparking a legal upheaval and heightened risk in the investment market in Hyderabad. Empowered with broader powers to undertake asset protection, investigations, prevention of illegal constructions and ensuring building compliance among its many other roles², HYDRAA now finds itself at the centre of complex legal disputes. Several hurried writ petitions have been filed at the High Court of Telangana (“**High Court**”) challenging HYDRAA’s actions, alleging non-compliance with due process, prompting the High Court to issue restraining directions against HYDRAA on September 03, 2024, thereby prohibiting it from taking any immediate action against the petitioners³.

Background

HYDRAA, which has been established with the mandate to restore and maintain water levels in the lakes and water bodies falling under the Telangana Core Urban Region (“**TCUR**”) region⁴, follows the previous G.O. 168 of 2012⁵, which establishes buffer zone limits and Andhra Pradesh Building Rules 2012 (“**Building Rules 2012**”) for urban development. This earlier order also empowered the Hyderabad Metropolitan Development Authority (“**HMDA**”) and other urban bodies to identify and address illegal constructions and encroachments. In 2007 also, **MA&UD** vide its Memo 261 of 2006⁶ dated July 16, 2007 had mandated

¹ [G.O. Ms. No. 99 – HYDRAA](#)

² <https://www.tgnms.com/telangana/hydra-guidelines-and-procedures/2024/07/20/>

³ WP 22143/2024

⁴ [TCUR comprises of GHMC and such areas of Hyderabad, Rangareddy, Medchal Malkajgiri and Sangareddy Districts upto ORR.](#)

⁵ [G.O.Ms.No.168,Dt.28-4-2012-Building Rules-\(hmda.gov.in\)](#)

⁶ [Memo 261 of 2006](#)

prohibition of the encroachment and development in downstream areas of Osman Sagar and Hussain Sagar lakes, along with notified list of the prohibited industries issued after technical committee's investigations. HYDRAA has undertaken to continue the drive as a unified agency, reclaiming 43.94 acres and demolishing 18 properties within the Outer Ring Road ("ORR") limits in the past few months⁷. Moreover, on August 29, 2024, State Chief Secretary A. Santhi Kumari expanded HYDRAA's⁸ role to include oversight of notices and evictions under various other state laws, such as the Greater Hyderabad Municipal Corporation ("GHMC") Act, 1955 and Land Encroachment Act, 1905; transferring the conservation of key lakes like Osmansagar and Himayatsagar to the agency, while announcing formation of new teams and allocating additional resources from the police, survey, and irrigation departments to bolster the agency's role. The expanded authority granted to the agency has interrupted the legal process, highlighting the need to thoroughly understand the legal implications of HYDRAA's actions.

FTL, Buffer Zones and G.O. 111 Lands

In order to understand the implications for stakeholders in real estate transactions, urban development, or environmental advocacy in Telangana, it is crucial to understand the scope and boundaries of areas covered by HYDRAA. In simpler terms, FTL represents the highest water level a lake, tank, or other water body can reach. The Buffer Zone, on the other hand, is the designated area around the FTL kept free of development such as roads or buildings. The width of this buffer zone varies according to the size of the lake or nala (stream or watercourse). HMDA has notified 2,569 lakes⁹ in Hyderabad, however the notification of FTL and buffer zones has been issued for only around 150 lakes¹⁰ till September 03, 2024. In July 2024, the High Court ordered for this exercise to be completed by November 04, 2024 for all the notified lakes¹¹. The Telangana government regulations prohibit building activities within specified distances of a notified waterbodies, namely a lake, pond, cheruvu (reservoir), kunta (small pond) or shikam (wetlands)¹².

In addition to the above, G.O. 111 Lands are protected areas notified under the government order¹³ issued in 1996 with the objective of preventing undue industrialization, heavy construction activities, and pollution in the 84 villages surrounding the Osman Sagar and Himayat Sagar reservoirs in Hyderabad. The said government order-imposed restrictions on land use and development within a 10-kilometer radius catchment area of these reservoirs. The previous government had aimed to lift the development prohibition by repealing G.O. 111 in 2023¹⁴ and G.O. 69¹⁵ was passed as its replacement on April 12, 2022 to remove the restrictions; however there has been no progress regarding its implementation till date.

Laws relating to land developments in Hyderabad

The Article 48A of the Indian Constitution mandates the state to protect and improve the environment, including forests and wildlife. Article 51A(g) imposes a fundamental duty on every Indian citizen to safeguard the natural environment. Various policies support these directives, including the National Water Policy of 2012¹⁶, which addresses water body protection. In line with the above, Section 11 of the Telangana Water, Land, and Trees Act, 2002¹⁷ ("WALTA"), provides for authority on advise of expert, to designate water bodies as

⁷ [HYDRAA reclaims 43.94 acres in three months from encroachers](#)

⁸ [Telangana govt strengthens HYDRAA with more powers \(deccanchronicle.com\)](#)

⁹ <https://lakes.hmda.gov.in/>

¹⁰ [HMDA: Notification on 51 lakes issued | Hyderabad News - Times of India \(indiatimes.com\)](#)

¹¹ [Notify Buffer Zones for 2,525 Lakes Under HMDA: HC \(deccanchronicle.com\)](#)

¹² [Notification - FTL Buffer Zone of lakes/waterbodies in Hyderabad metropolitan region](#)

¹³ [G.O. Ms. No. 111](#)

¹⁴ [Telangana Cabinet scraps GO 111; 84 villages get free from restrictions in land use-Telangana Today](#)

¹⁵ [G.O. Ms. No. 69](#)

¹⁶ [National Water Policy, 2012](#)

¹⁷ [Telangana WALTA Act, 2002](#)

heritage sites and conservation areas and to permanently mark their boundaries and take measures to remove and prevent encroachments.

Also, the Building Rules 2012¹⁸ specifically provide that:

“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 FTL of a Lake/Kunta shall be reckoned as measured and as certified by the Irrigation.

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.

The above water bodies and courses shall be maintained as Recreational/Green Buffer Zone and no building activity shall be carried out within specified limits”.

Other relevant laws ensuring such conservation include Water (Prevention and Control of Pollution) Act, 1974; Environment Protection Act, 1986; National Green Tribunal Act, 2010; Forest (Conservation) Act, 1980; Wildlife Protection Act, 1972; Land Acquisition Act, 1894; State-Specific Land Revenue Acts; Coastal Regulation Zone (CRZ) Notification; Indian Penal Code, 1860 (now replaced by Bhartiya Nyaya Sanhita, 2023). These laws mandate strict conservation measures of protected lands including FTL and buffer zones; however, it is imperative that government agencies adhere to the legal process to prevent misuse or overreach unlike the recent demolition activities of HYDRAA.

Courts directives regarding actions of authorities

In September 2023, the Telangana High Court issued a pivotal ruling in the case of **Dr. S. Jeevananda Reddy, S/o. S. Subba Reddy vs. Govt of A.P. and others**¹⁹, along with related writ petitions concerning the protection of G.O. 111 lands and the stay of G.O. 69. The court directed the State Government to form a High-Powered Committee tasked with devising guidelines and measures to regulate development in the affected areas. In the interim, the court mandated that the State Government must enforce G.O. 111 effectively until the committee's report is submitted.

Further, regarding recent HYDRAA demolitions, numerous petitions have been filed with the High Court last month that have brought into scrutiny the unchecked encroachments and the alleged actions of the HYDRAA. On August 7, 2024, in the case of **Chandra Sekhar Reddy vs. The State of Telangana**²⁰, the High Court addressed a Public Interest Litigation regarding the protection of Ameenpur's natural lakes, unauthorized land occupations, and illegal constructions. The High Court recognized the government's efforts to manage these issues and directed further measures for the government to prevent encroachments and protect the lakes, with a compliance report due in three months. In another case of **J. Lavanya vs. The State of Telangana**²¹, petitioners challenged the legality of a memo related to a land survey in Gundal Village, claiming it obstructed their water rights and land use despite a court order preserving the status quo. A joint inspection revealed part of the land was within the FTL area, and hence the court dismissed the petition on July 31, 2024.

While the High Court has supported government actions against illegal encroachments, it has emphasized on the need to ensure justice is not denied in the process. On August 28, 2024 Justice T Vinod Kumar has directed HYDRAA and revenue officials to adhere to the legal procedures before proceeding with the demolition of educational institutions on 17.5

¹⁸ [Building Rules, 2012](#)

¹⁹ WP No. 9386 of 2007 and WP No. 18896 of 2007

²⁰ [Writ Petition \(PIL\) No.342 of 2017](#)

²¹ [Writ Petition No. 21745 of 2023](#)

acres in the buffer zone of a water body at Venkatapuram, Medchal-Malkajgiri district²². Justice Lakshman while considering multiple pleas in High Court issued guidelines to HYDRAA on August 27, 2024²³, stating that while initiating action against illegal encroachments HYDRAA shall consider the "prima facie title of the illegal encroachers" and the persons who made unauthorized constructions; the permissions obtained by them from various authorities including GHMC, Municipalities and Gram Panchayats etc²⁴.

On September 3, 2024, an important ruling was issued in the case involving **N.V. N. Constructions Private Limited**²⁵ where in an earlier case of the petitioner²⁶, the High Court had held, "*That the authorities are legally bound to issue notices before conducting any surveys, otherwise the very survey is vitiated and not binding on the persons in possession of the land. Therefore the impugned survey report and any subsequent action in pursuance thereof are not binding on the petitioner to the extent of the land claimed by him, and the respondents cannot claim any rights over the subject land, in any manner,.....*". In line with this decision, the High Court accepted the undertaking of HYDRAA to follow due process and issued directions to HYDRAA to not take any precipitative action against the petitioner in the meantime ²⁷.

The National Green Tribunal ("NGT") has also periodically issued directives concerning illegal constructions around lakes and restricted areas in and around the city of Hyderabad, emphasizing the need for state accountability in addressing these issues. In December 2018, in case of **Human Rights & Consumer Protection Cell Trust Vs. The State of Telangana & Ors.**²⁸ before the Principal bench NGT, Delhi, along with directing the high powered committee to deliberate and issue recommendations regarding developments in G.O 111 lands around Himayatsagar and Osman Sagar lakes, the tribunal prohibited all construction activities till the committee submits the report. Further, in the case of **Dr. Lubna Sarwath v. State of Telangana**²⁹ before NGT Chennai, Supreme Court-constituted a committee which reported severe pollution, encroachments, and regulatory failures at Hussain Sagar Lake, urging urgent restoration, enhanced enforcement, and collaborative efforts, it recommended conserving the lake up to the FTL and Maximum Water Level with a 30-meter green belt of water-tolerant trees, covering 571.42 hectares. Also, in the case of **P. V. Subramanya Varma v. State of Telangana**³⁰, regarding illegal stone crusher units in the restricted zones before NGT Chennai, it ordered that the Telangana State Pollution Control Board provide and submit a detailed unit-wise report on the units' compliance, fines imposed, and actions taken. In another landmark case, **Human Rights & Consumer Protection Cell Trust & Another vs. The State of Telangana**³¹ before NGT Chennai, the tribunal addressed the issue of the irrigation department allowing construction on the fragile bunds of Patla Cheruvu lake, risking dam shrinkage and potential flooding. The tribunal directed the HMDA to prevent encroachments and protect water bodies, noting that the irrigation department's actions conflicted with regulations designed to preserve these areas, as outlined in G.O. 168 and emphasized the need for further scrutiny to ensure compliance with conservation laws.

Conclusion

To conclude, the recent emphasis on demolishing illegal structures within protected areas highlights the crucial need for strict adherence to legal and environmental regulations. Additionally, High Court's directive for the state government and HYDRAA to follow due

²² [High Court Directions issues in MP Palla case](#)

²³ [Guidelines issued to HYDRAA by Telangana HC – July 2024](#)

²⁴ [Multiple please filed with HC of Telangana on demolitions](#)

²⁵ WP 24204/2024 and WP 22143/2024

²⁶ WP 30773/2021

²⁷ [HYDRAA restrained from taking action - HC](#)

²⁸ OA No. 531 of 2018 (earlier OA No. 64 of 2016 (SZ))

²⁹ OA 85/2015(SZ)

³⁰ OA no. 6 of 2022

³¹ [O.A. No. 102 of 2022 \(SZ\)](#)

process underscores the importance of transparency and fairness in these efforts. Government, businesses and residents must ensure that no constructions occur within these FTL and buffer zone areas and that all developments on G.O. 111 Lands comply with established regulations. While illegal encroachments in protected areas are strictly prohibited, it is crucial that HYDRAA's action stay legitimate, else they risk potential legal challenges for government and undermine public trust. By adhering to established laws and government regulations—including real estate laws, necessary permissions, safety recommendations in compliance with other Telangana state laws, owner rights (topics which will be explored in the second part of this article)—individuals and businesses can protect their investments, contribute to the preservation of green zones, and support the sustainable management of water resources. The High Court's recent guidelines for HYDRAA sets a precedent for addressing illegal encroachments and unauthorized constructions, establishing a clear framework for lawful and equitable governance that upholds public trust and ensures consistent application of the law.

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