

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI**

Original Application No. 100 of 2022 (SZ)

BETWEEN

Akula Satish, S/o A. Lingaiah

... Applicant

Versus

State of Telangana Represented by its Principal Secretary,
Irrigation Department & 11 Others

... Respondents

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Counsel for Respondent No.12

Place: Hyderabad
Date: 28-02-2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI

IN

Original Application No. 100 of 2022

BETWEEN

Akula Satish

... Applicant

Versus

State of Telangana & 11 Others

... Respondents

COUNTER FILED BY M/s JNS INFRASTRUCTURES
(RESPONDENT NO.12)

I, Srikanth Reddy Dodda, S/o Appi Reddy Dodda, Aged about: 48 Years, authorized signatory of M/s JNS Infrastructures, having its registered office at JNS Hill View, Survey No. 19 & 20, Mallampet Village, Bachupally Mandal, Medchal Malkajgiri District, Telangana – 502 303

1. I am the Deponent herein and partner of M/s JNS Infrastructures and am familiar with the facts of the case and am competent to depose of behalf of M/s JNS Infrastructures.
2. I submit at the outset that the Original Application filed by the Applicant herein is a blatant abuse of process of law and is a personal vendetta against the other partner of M/s JNS Infrastructures filed for ulterior motives and political ambitions.
3. I submit that I deny all the adverse allegations as made against M/s JNS Infrastructures and state that nothing may be considered as admitted unless explicitly done so and any non-traversal of allegation may not be considered as admission.

In response to Paragraph No.1 of the Original Application, I submit that the Applicant is primarily and essentially an active political person and the other partner of M/s JNS Infrastructures and the

For JNS INFRASTRUCTURES

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Applicant are having political differences with regard to occupying elected posts in relation to Nizampet Municipal Corporation. The present OA is filed only for extortion and settling scores for political motives and for dominance. I further submit that the assertion of the Applicant on his credentials of being "environment conscious social worker" is not correct and the Applicant is put to strict proof of the same.

5. In response to Paragraph No.2 of Original Application, it is submitted that the allegations made by the Applicant are completely malafide and baseless. On one hand, the Applicant talks about encroachers against whom First Information Report (FIR) has been filed but makes outrageous allegations that private respondents have encroached the lake. Till date no encroachment of the lake on FTL (Full Tank Level) has been committed by M/s JNS Infrastructures and no construction has been done in violation of law in the buffer zone.
6. I submit that the lake of Visukavani Cheruvu as can be seen from the documentation available with revenue and irrigation officials, is covering an area of 16.25 Acres. In the local measurement units, it is 16 Acres 10 Guntas. The present situation as it stands today is that the lake (with its FTL) extends as

- a. In Survey No. 185 of Kazipally Village, out of 2 Acres 19 Guntas, 17 Guntas falls in FTL and 13 Guntas falls in Buffer Zone. As on date there is no violation of norms nor encroachment of the lake.
- b. In Survey No. 186 of Kazipally Village, the whole of 1 Acre 30 Guntas land is now under water.
- c. In Survey No. 187 of Kazipally Village, the whole of 18 Guntas is Government land and lake exists

In Survey No. 188 of Kazipally Village, 10 Guntas of land exists and it is this encroachment that is subject matter of FIR No. 165 of 2021, of IDA Bollarum Police Station booked

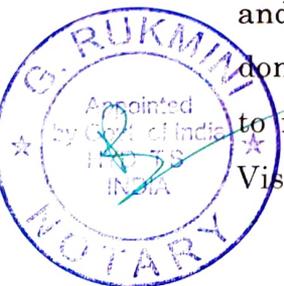
For JNS INFRASTRUCTURES

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Authorised Signatory



against one Mr. I.L. Raju and his men who have been deliberately not made parties to this Original Application by the Applicant.

- e. In Survey No. 189 of Kazipally Village, 26 Guntas of land exists and it is this encroachment that is subject matter of FIR No. 165 of 2021, of IDA Bollarum Police Station booked against one Mr. I.L. Raju and his men who have been deliberately not made parties to this Original Application by the Applicant.
 - f. In Survey No. 216 of Kazipally Village, 11 Acres 27 Guntas is under the lake and owned by the Government.
 - g. In Survey No. 17 of Mallampet Village, 20 Guntas land is under the buffer zone of the lake and no violation of norms are present till date.
7. I submit that by the very factual position as on date, the total area of the Visukavani Lake as per the above calculations is 16 Acres 1 Gunta. Which is 9 Guntas less than the actual expected lake coverage which comes to 0.22 Acres and that area which is not under the lake now can only be identified by proper resurvey of the lake with proper adjustment so that the displacement which has been observed under cadastral maps can be corrected and the actual lake's boundaries can be identified properly with buffer zones and the controversy can be put to rest permanently.
8. I submit that the Original Applicant has made a flamboyant claim of 9 Acres of encroachment while it is just 9 Guntas of land which is in dispute in terms of identification due to displacement in the maps.
9. I submit that the irrigation officials have also understood the issue and multiple litigations can be put to rest if a proper resurvey is done taking into due consideration and using the latest technology to identify the height, GPS location etc of various points of the Visukavani Cheruvu.



For JNS INFRASTRUCTURES

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Authorised Signatory

10. In response to Paragraphs 3, 4 & 5, it is just defamatory and false statements which have been cleverly made by the Original Applicant who has failed to extort monies from M/s JNS Infrastructures and it can be clearly seen that all documentary information which is adverse is against an encroacher who has been clearly identified but the Applicant conveniently chose not to make that person a party to this proceeding while making bald allegations against the private developers notwithstanding the fact that the Applicant has not arraigned the correct parties to this Application and on that ground alone, the present O.A. needs to be dismissed in limine.
11. In response to Paragraphs 6, 7, 8 & 9, M/s JNS Infrastructures is in complete agreement with the position of law which is in fact supportive of a bonafide and reputed builder like us and as someone who wants to avoid any controversy in relation to any of our projects; this Original Application is nothing but an abuse of process and extortion tool by the Applicant.
12. I submit that M/s JNS Infrastructures is a partnership firm and the Applicant has made JNS Infrastructures Private Limited as a party (Repondent No.12) and unless the same is corrected, this Original Application and all the proceedings may be vitiated.
13. I submit that M/s JNS Infrastructures has been requesting the irrigation department and all concerned officials to conduct a proper resurvey of the Lake and once for all identify the boundaries properly so that the name of M/s JNS Infrastructures can be kept away from unnecessary controversy which is causing severe financial and reputational impact.

I submit that the land in Kazipally Village of Jinnaram Mandal owned and developed by M/s JNS Infrastructures is over atleast 5 Feet high above the Alugu (Wier) of Visukavani Cheruvu (Lake)



and the land owned and developed by M/s JNS Infrastructures is over atleast 5 high above the Alugu (Weir) of Visukavani Cheruvu (Lake) and it is with this confidence that we have been seeking a proper resurvey with accurate marking of boundaries of the lake for years and it is just and necessary for that resurvey to be done to put the present controversy at rest.

15. I submit that I crave leave of this Hon'ble Tribunal to place additional documents/counter as and when the resurvey is done and report is filed before this Hon'ble Tribunal for the just disposal of the present matter.

In the facts and circumstances described above, the Hon'ble Tribunal may be pleased to dismiss the present Original Application with exemplary costs and consequently direct the proper survey and protection of Visukavani Cheruvu (Lake) in the interest of justice and pass any such order(s) as deemed fit and proper in the circumstances of the case.

For JNS INFRASTRUCTURES

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 Authorised Signatory
 Deponent

Solemnly Sworn and Signed before me

On this ~~24~~²⁸ Day of February 2023

W. Attar
 Counsel for Respondent No.12

Place: Hyderabad

Date : ~~28-02~~²⁸⁻⁰² 2023



VERIFICATION

I, Srikanth Reddy Dodda, S/o Appi Reddy Dodda, Aged about: 48 Years, authorized signatory of M/s JNS Infrastructures, having its registered office at JNS Hill View, Survey No. 19 & 20, Mallampet Village, Bachupally Mandal, Medchal Malkajgiri District, Telangana – 502 303, do hereby solemnly affirm and verify that the above stated contents in the counter are true and correct to the best of my knowledge and belief and hence verified on this the 28th day of February, 2023 at Hyderabad.

For JNS INFRASTRUCTURES

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Respondent No.12

Place: Hyderabad

Date: 28th February, 2023

G. Rukmini

ADVOCATE//HYDERABAD



ATTESTED
G. Rukmini
NOTARY
G RUKMINI, B.A., LL.M.
ADVOCATE
APPOINTED BY GOVT. OF INDIA
13-4-561/25/1 NEW GANGA NAGAR ZIYAGUDA,
HYDERABAD 500 006. T.S. INDIA



HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY

Swarnajayanthi Complex, Ameerpet, Hyderabad

LAND USE INFORMATION

Date : 31 January, 2023

Letter No : 059218/LU/P5/HMDA/25012023

To,
EDIFICE HOMES INDIA PVT.LTD
Ashoka hitech chambers, roan no, 2 Banjara Hills
500034

Sir / Madam,

Sub:-HMDA - Furnishing of Land Use Information.
Ref:-Your application No. **059218/LU/P5/HMDA/25012023**, dated: **25 January, 2023**.

With reference to your application cited, the details of Land Use Information as per statutory provisions of (Master Plan for Hyderabad Outer Ring Road Growth Corridor (1.00 KM belt on either side of Outer Ring Road Vide G.O.Ms.No. 470 MA dt: 09/07/2008) & approved by the Govt. Vide G.O.Ms.No.33 MA dt:24.01.2013 is furnished hereunder:

Survey No.	Land Use
216	: Partly Special Development Zone (Multipurpose Use Zone), Partly Open Space Buffer (Around Foreshore of Water Bodies), partly Water Bodies (Rivers, Nalas, Reservoirs and Kuntas) and proposed two (2) No. of 30 mtrs wide grid roads are passing through the Sy.No.
183	: Special Development Zone (SDZ) (Multipurpose Use Zone)
184	: Special Development Zone (SDZ) (Multipurpose Use Zone)
185	: Partly Special Development Zone (Multipurpose Use Zone), Partly Open Space Buffer (Around Foreshore of Water Bodies) and affected by proposed 30mtrs wide grid road
186	: Partly Open Space Buffer (Around Foreshore of Water Bodies) and partly Water Bodies (Rivers, Nalas, Reservoirs and Kuntas)
187	: Partly Open Space Buffer (Around Foreshore of Water Bodies) and partly Water Bodies (Rivers, Nalas, Reservoirs and Kuntas)
188	: Open Space Buffer (Around Foreshore of Water Bodies)
190	: Open Space Buffer (Around Foreshore of Water Bodies)
191	: Special Development Zone (SDZ) (Multipurpose Use Zone)
VILLAGE	: Kazipally-ORRGC
MANDAL	: Jinnaram-ORRGC
ZONE SEGMENT	: Sanga Reddy
DISTRICT	: Zone-C

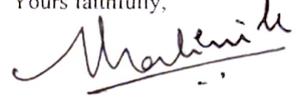
NOTE:

1. This information does not bar any public agency or department including the HMDA from acquisition of Lands for Public purpose or from converting the Land Use at any time as per the Law.
2. This information shall not be used as the proof of any title to the Land.
3. This information shall not be used as the sole reason for obtaining exemption from the provisions of U.L.C.Act.1976.
4. This information does not provide to be any development permission under the APUA (Dev) Act.1975./HMDA Act 2008
5. Land use information does not guarantee that any Lay-Out or Building permission will be granted by competent

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- authority Any Building/Lay-Out or Building permission will have to be examine and granted by competent authority based on Building/Lay-Out/Land use Rules and conditions.
6. This letter is solely for information purpose only.
 7. The Water bodies shall also be read as per revenue records.
 8. The Land Use Information is given on the Basis of Cadastral data shown in MDP-2031.

Yours faithfully,



Name : KUMKUMA SHALINI
Designation : Junior Planning
Officer
Date : 31-Jan-2023 15:02:52

Planning officer , HMDA



HYDERABAD METROPOLITAN DEVELOPMENT AUTHORITY

Swarnajayanthi Complex, Ameerpet, Hyderabad

LAND USE INFORMATION

Letter No : 059489/LU/P5/HMDA/09022023

Date : 15 February, 2023

To,
JNS INFRASTRUCTURES
JNS HILL VIEW, VILLA NO.M.22 MALLAMPET DUNDIGAL
500090

Sir / Madam,

Sub:-HMDA - Furnishing of Land Use Information.
Ref:-Your application No. **059489/LU/P5/HMDA/09022023**,dated: **09 February, 2023**.

With reference to your application cited, the details of Land Use Information as per statutory provisions of (Master Plan for Hyderabad Outer Ring Road Growth Corridor (1.00 KM belt on either side of Outer Ring Road Vide G.O.Ms.No. 470 MA dt: 09/07/2008) & approved by the Govt. Vide G.O.Ms.No.33 MA dt:24.01.2013 is furnished hereunder:

Survey No.	Land Use
18	: Special Development Zone (Multipurpose Use Zone) and affected by Proposed 30 mts wide road as per Master Plan
19	: Special Development Zone (Multipurpose Use Zone) and affected by Proposed 30 mts wide road as per Master Plan
20	: Special Development Zone (Multipurpose Use Zone) as per Master Plan
VILLAGE	: Mallampet-ORRGC
MANDAL	: Jinnaram-ORRGC
ZONE SEGMENT	: Sanga Reddy
DISTRICT	: Zone-C

NOTE:

1. This information does not bar any public agency or department including the HMDA from acquisition of Lands for Public purpose or from converting the Land Use at any time as per the Law.
2. This information shall not be used as the proof of any title to the Land.
3. This information shall not be used as the sole reason for obtaining exemption from the provisions of U.L.C.Act.1976.
4. This information does not provide to be any development permission under the APUA (Dev) Act.1975./HMDA Act 2008
5. Land use information does not guarantee that any Lay-Out or Building permission will be granted by competent authority Any Building/Lay-Out or Building permission will have to be examine and granted by competent authority based on Building/Lay-Out/Land use Rules and conditions.
6. This letter is solely for information purpose only.
7. The Water bodies shall also be read as per revenue records.
8. The Land Use Information is given on the Basis of Cadastral data shown in MDP-2031.

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Yours faithfully,



Name : KUMKUMA SHALINI
Designation : Junior Planning
Officer
Date: 18 Feb. 2023
Time: 35.01

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI
IN

OA No 100 of 2022

BETWEEN

Akula Satish

.....Applicant

Versus

State of Telangana and 11 Others

...Respondents

COUNTER FILED BY M/s JNS
INFRASTRUCTURES AS
RESPONDENT No. 12

Filed on: 28th February, 2023

Filed by: Counsel for Respondent No.12

ADDRESS FOR SERVICE:

**M/S VANKINA, ALLU & PARTNERS -
ADVOCATES**

O/o Flat No. 301, K.K. Plaza, 100 Feet
Road, Ayyappa Society, Madhapur, Hi-
Tech City, Hyderabad,
Telangana – 500 081

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