

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No. 143 of 2022 (SZ)


Sri. V.Paramesh.
S/o. Venkatesh,
S/o. C.Subramani,
Near Om Shakthi Temple,
Belthuru Colony, Kadugodi Post,
Bengaluru - 560067

... Applicant

Vs

1. The Deputy Commissioner,
Bengaluru Urban District,
Bengaluru - 560009
2. The Commissioner,
Bruhat Bengaluru Mahanagara Palike
Bengaluru - 560002
3. The Joint Commissioner,
Bruhat Bengaluru Mahanagara Palike,
Mahadevapura Zone,
Bengaluru - 560048.
4. The Assistant Executive Engineer,
Bruhat Bengaluru Mahanagara Palike,
Mahadevapura,
Bengaluru - 560048
5. The Chairman,
Karnataka State Pollution Control Board,
Bengaluru - 560001
6. The Senior Environmental Engineer,
East Zone - Mahadevapura,
Bengaluru - 560010.
7. The Environmental Engineer,
Ro Mahadevapura,
Bengaluru - 560010

For NVR DEVELOPERS


Managing Partner

8. The Thasildar,
KR Puram – East Taluk,
K R Puram,
Bengaluru - 560036.

9. The Assistant Executive Engineer (lakes)
BBMP Annex Building.
Bengaluru – 560036.

10. Executive Engineer (Strom water drain department)
Mahadevapura Zone,
BBMP,
Bengaluru – 560048.

11. Assistant Engineer (Town Planning)
Mahadevapura Zone,
BBMP,
Bengaluru – 560048.

12. Assistant Revenue Officer,
Hoodi Division,
BBMP,
Bengaluru – 560048.

13. Narakkagari Venugopal Reddy,
Managing Partner,
NVR Developers,

14. Lakka Jytheswar,
Partner – NVR Developers,

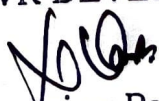
R13 & R14 are at
3rd Floor, 55 Sapthagiri Layout,
Belathur Kadugodi,
Bengaluru Urban,
Bengaluru – 560067.

... Respondents

ADDITIONAL COUNTER OF THE 13th & 14 RESPONDENT


The Respondents 13 & 14 states as follows:

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1. The 13th & 14th Respondent have filed their counter in the above case and we crave the leave of this Hon'ble Court to treat the same as a part and parcel of this Additional Counter. It is submitted that there are certain subsequent events happened after filing of our counter and the same are relevant & material to the facts and circumstance of the case and therefore the Respondent 13 & 14 are filing this Additional Counter.
2. It is submitted that in our counter we have stated that the Deputy Commissioner, the 1st Respondent herein by order dated 03.02.2023 (**Annexure-B13**) under the Karnataka Land Revenue Act, 1964 has confirmed the shifting/re-routing of feeder canal and that the application for shifting was given to the Tahasildar, K.R. Puram, Bangalore East Taluk during August, 2019 (**Annexure-B2**). It is also pleaded that the taluk surveyor gave his report and it was filed as **Annexure-B3**. Thereafter the Tahasildar considered the said application and issued notice to Land owner and also intimation letter was issued to Assistant Director of Land Records on 17.08.2019 (**Annexure-B4.**), for spot inspection and they surveyed the land and submitted the report. Thereafter the feeder canal marked in-between the S.No.31/1 and 34/1 was permitted to be shifted/ re-routed along the boundary of S.No.34/1 by the Tahasildar and by the Assistant Director of Land Records and by the Land Surveyor and they all issued the Sketch for shifting of Feeder canal (**Annexure-B5**) and it was updated in the sketch of the village.
3. It is submitted that while considering the application filed by the land owner, the Tashildhar, Krishnarajapuram issued notice dated 17.08.2019 to Assistant Director

For NVR DEVELOPERS


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of land Records and the same is along with translation is filed as **Annexure B-15**. The Assistant Director of Land Records by his proceedings dated 19.08.2019 confirmed that the surveyor has submitted the report and the proposal with sketch for changing the feeder canal and the same along with translation is filed as **Annexure B-16**. Thus, the proceedings for shifting the canal has begun in the year 2019 and the formal orders confirming the shifting was issued by 1st Respondent on 03.02.2023.

4. It is submitted that since the original owner namely Anjinappa filed the application for shifting in the year 2019, during January, 2023 he requested the 1st Respondent to pass orders and the 1st Respondent issued orders on 03.02.2023. Now, the 1st Respondent by his proceedings dated 20.02.2023 has cancelled the order dated 03.02.2023 on the ground that the said Anjanappa has concealed the above case (OA.143/2022) which pending before this Hon'ble Tribunal. The proceedings of 1st Respondent dated 20.02.2023 is filed along with translation as **Annexure B-17**. It is to be noted that the 1st Respondent is a party in O.A.No.143/2022 and the said Ananappa is not a party before this Hon'ble Tribunal. Therefore the 1st Respondent cannot plead ignorance about the NGT proceedings and contented that Anjanappa has suppressed the pendency of O.A no.143/2022.
5. It is submitted that the order dated 03.02.2023 was only a consequential proceedings which started in the year 2019 and therefore all the inspection, survey reports, sketches were prepared much prior to filing of the above case in O.A.No.143/2022. The documents filed by the Respondents 13 & 14 will

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categorically establish that the application for shifting the canal was made during August, 2019 and the inspection, survey were conducted during August, 2019 and the report of the Tasildhar and Assist Director of Land Records and the sketch for re-routing were also prepared in the year 2019. Therefore there is no suppression of facts and the order dated 03.02.2023 was perfectly legal and the cancellation order of 1st Respondent is unsustainable in law.

6. It is submitted that now, the said Anjanappa has filed writ petition before the Karnataka High Court, Bengaluru in W.P.No.5079/2023 (KIR-LG) challenging the cancellation order of the 1st Respondent dated 20.02.2023 and the Hon'ble High Court was pleased to grant interim order dated 07.03.2023 directing the parties to maintain status-quo with regard to possession and revenue records in respect of land bearing S.No.31/1 measuring 0.02 guntas and S.No.34/1 measuring 0.02 guntas. Thereafter the interim orders are extended on 06.04.2023 and the case is posted on 14.06.2023. The order dated 07.03.2023 & 06.04.2023 issued by the High Court of Karnataka is filed as **Annexure B-18**.
7. It is submitted that the Applicant has not filed any rejoinder to the counter statement of the Respondent 13 & 14 and only the counsel for Applicant has filed a memo annexing an order of Thasildar dated 08.03.2023 asking the Anjanappa to remove encroachments. Neither the Respondents 13 & 14 nor the said Anjannapa have received any order from the Thasildhar, strangely the Applicant has got the order of Thasildar dated 08.03.2023. As stated above, the Hon'ble High Court of Karnataka by its order dated 07.03.2023 has directed the parties to maintain status-

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quo and therefore the order of Thasildar dated 08.03.2023 is legally unsustainable and it is in violation of the order of High Court.

8. It is submitted that the original owner Anjanappa is retaining 3 guntas of land in S.No.34/1 and the Respondents 13 & 14 are not authorised to deal with the the said extant of 3 guntas in S.No.34/1. After shifting of the feeder canal, the said Anjanappa has put up construction in his portion of land in S.No.34/1 and the Respondent 13 & 14 has no connection with the construction put up by the said Anjanappa in his 3 guntas of lands in S.No.34/1.
9. It is submitted that by taking advantage of the order of 1st Respondent dated 20.02.2023 and the purported order of Thasildar dated 08.03.2023, the Applicant has given news to dailies such as Times of India (Bangalore Mirror) & Deccan Herald that there is a collusion between the 1st Respondent and the 13th & 14th Respondents. The Applicant has also published the same in his social media account (Facebook). It is submitted the contents of the news articles and social media posts are subject matter of the litigations pending before this Hon'ble Tribunal and before the Hon'ble Karnataka High Court. Therefore the Applicant is not justified in discussing the matters which are *subjudice*, before the print and social media. The News Article published in papers and the social media post of Applicant are filed as **Annexure B-19**.
10. It is submitted that the allegations of the Applicant that there is collusion between the 1st Petitioner and Respondent 13 & 14 are false and malicious and the said information is given with a *malafide* intension to cause hardship to Respondent 13

For NVR DEVELOPERS


Managing Partner

- & 14. The conduct of the Applicant shows that he wants to gain publicity and to defame the reputation of Respondent 13 & 14. The improper conduct of the Applicant has caused immense hardship to 13th Respondent and their Business activities and it has caused confusion among the customers who opt to buy the flats promoted by Respondent 13 & 14. The Respondents 13 & 14 reserve their right to proceed against the Applicant before the Civil and Criminal Court for his conduct.
11. It is submitted that the extent of the karab lands (7 guntas) remains the same after reclassification of the land and after re-routing the feeder canal. There is no hindrance or obstruction to any water body/Rajakaluve/stream because of the project under taken by the 13th & 14th Respondent. The 13th & 14th Respondent state that they have followed all the statutory requirement for development of their housing project and they have not violated any law, rules and regulations.
12. It is submitted that as stated above, the said Feeder Canal portion is reserved as it is without any encroachment and it has been shifted as per the applicable norms and with the permission and due approval by the concerned authorities. All the documents issued by the concerned Revenue Authorities for shifting the feeder canal with detailed sketch issued by concerned authority has been produced before this Hon'ble Tribunal.
13. I state that 90% of the housing project of 13th Respondent is completed and in these circumstances, the Applicant has approached this Tribunal with false allegations and that too after lapse of three years from the permission granted by the authorities. Therefore the balance of convenience is in favour of the 13th & 14th

For NVR DEVELOPERS



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Respondent and the applicant is not entitled to any relief claimed in the Application since the construction of the housing project is carried out after proper clearance obtained from the competent authority.

For the reasons state above it is prayed that this Hon'ble Tribunal may be pleased to dismiss the above Application with cost and thus render Justice.

Dated at Chennai this the 24th day of April, 2023

For NVR DEVELOPERS


Managing Partner



COUNSEL FOR 13th & 14th RESPONDENT


13th RESPONDENT

VERIFICATION

I, Narakkagari Venugopal Reddy, Managing Partner, NVR Developers, the 13th Respondent herein do hereby verify that the contents of the above paragraphs are true to the best of my knowledge and based on legal advice and I have not suppressed any material facts.

Verified at Chennai this the 24th day of April, 2023

For NVR DEVELOPERS


Managing Partner

13th RESPONDENT

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

Application No. 143 of 2023 (SZ)

Sri Paramesh
Bengaluru - 560067

... Applicant

Vs

The Deputy Commissioner
Bengaluru urban District
And 13 others

... Respondents

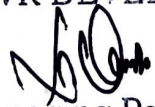
VERIFIED AFFIDAVIT OF NARAKKAGARI VENUGOPAL REDDY

I, Narakkagari Venugopal Reddy, S/o Venkatarama Reddy Hindu, aged about 49 years, having office at NVR Developers, 3rd floor, 55, Sapthagiri Layout, Belathur Kadugodi, Bengaluru Urban, Bengaluru – 560067, now temporarily come down to Chennai, do hereby solemnly affirm and sincerely state as follows:

1. I am the Managing Partner of the 13th Respondent herein and I am authorised to file this affidavit on behalf of the 13th Respondent and I am acquainted with the facts of the case from the files and records available with the 13th Respondent.

2. I state that the contents in paragraph 1 to 13 of the Additional Counet statement of the 13th & 14th Respondent filed in the above Application is hereby verified as true and correct and I have not suppressed any facts.

For NVR DEVELOPERS


Managing Partner

Solemnly affirmed at Chennai
this the 24th day of April, 2023 and
signed his name in my presence

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)

BEFORE ME


Advocate, Chennai

(SHYAMALAR)
1223/2020

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

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Sri Paramesh
Bengaluru - 560067

... Applicant

Vs

The Deputy Commissioner
Bengaluru urban District
And 13 others

... Respondents

ADDITIONAL COUNTER OF 13TH RESPONDENT**M/s. M.SIVAVARTHANAN (Ms.1255/2007)
T.SENTHIL KUMAR (Ms.605/2014)****COUNSEL FOR R 13 & 14****Ph- 9884298545**