

BEFORE THE NATIONAL GREEN TRIBUNAL,
SOUTH ZONE BENCH, CHENNAI.

ORIGINAL APPLICATION NO.17/2022/SZ

PERMANDLLA KIRAN KUMAR

...APPLICANT

VS.

THE STATE OF TELANGANA & 13 OTHERS

...RESPONDENTS

COUNTERAFFIDAVIT FILED ON BEHALF OF THE RESPONDENT No.13

I,K.Raja Reddy S/o Siva Rami Reddy, Aged 42 years, Occ: Business, Plot No.534, Vivekanandanagar, Kukatpally, Hyderabad, do hereby solemnly affirm and state on oath as follows :

1. I am the deponent herein and the Managing Partner of Veenus Group/the Respondent No.13 and as such I am well acquainted with the facts of the case.
2. I have read and understood the averments of the contents of the original application hereby deny the averments and allegations made by the applicant save those that are specifically and expressly admitted hereunder and the Applicant is put to strict proof of the same.
3. The Respondent No.13 is Venus Group (Venus Infra, Venus Edifin, Venus Arcade), carrying on business at Plot No.534, Vivekananda Nagar, Kukatpally, Hyderabad, Telangana State-500072.

K. Reddy
For VEENUS ARCADE
Managing Partner



4. The Respondent No.13 is into the business of Real Estate promotion of Land and Building layouts and construction. The entire grievance of the Applicant is with regard to the alleged encroachments in survey No.19 of Gajularamaram Village, Quthbullapur Mandal, Medchal-Malkajgiri District, Hyderabad, Telangana, which is a forest land. This Respondent during the course of its business have developed and promoted some extents of lands in other survey numbers situated at Gajularamaram Village, Quthbullapur Mandal, Medchal-Malkajgiri District, Hyderabad, Telangana, but not in Sy.No.19 and this Respondent has nothing to do with Sy.No.19 and there was no encroachment by this Respondent in respect of that survey number 19 as alleged by the Applicant. Apart from this respondent, various other firms/companies/individual land owners also carried development activities in the said locality.

5. The following are the preliminary objections:

- a. The original application as filed is not maintainable as it is barred by limitation by virtue of section 14(3) of the National Green Tribunal Act, 2010;
- b. Without describing the actual encroachment and without impleading the proper persons who are in actual encroachment if any the application as filed is not maintainable for non-joinder of proper and necessary parties;
- c. The original application as filed is highly speculative and instituted by the Applicant for speculative gains merely basing on the speculative news publication etc.,;

For VEENUS ARCADE
K. Ravi
Managing Partner



6. Without prejudice to the preliminary objections, this Respondent hereby submit the para-wise reply to the original application, which are as follows:

- i. In reply to paragraph No.1, it is submitted that there is no basis for the allegation made by the Applicant and no specific material is placed in support of the allegations made against this Respondent.
- ii. In reply to paragraph No.2, it is submitted that there is no dispute with regard to the assertion that it is the responsibility of every individual to protect the forest lands. There is no basis for the allegations made against this Respondent by the Applicant in this paragraph and this Respondent during the course of their business activities never encroached any extent of forest land. The forest land in Sy.No.19 of Gajularamaram Village is properly fenced by the forest department and being maintained under the surveillance and security of the forest department.
- iii. In reply to paragraphs No.3 to 19, it is submitted that the averments with regard to the alleged violations are false and baseless and this Respondent never violated any laws. The applicant specifically did not make any assertion as to how and where the forest land is encroached. During the course of the business activities this Respondent at relevant point of time has entered into respective development agreements in respect of few extents with the original owners and developed the private patta lands and sold the house



For VEENUS ARCADE
K. Reddy
Managing Partner

plots to various purchases by themselves and also the original owners. These transactions have nothing to do with the forest lands in Sy.No.19 of Gajularamaram Village. Under the guise of complaining the alleged encroachment with regard to the forest lands in Sy.No.19 of Gajularamaram Village, the Applicant is trying to threaten this Respondent by relying on the compilation of newspaper publications etc., which are published by some newspapers for the reasons best known to them and bringing some strange issues with regard to land conversions, building permissions, regularisation issues etc., which are not within the purview of the issue for adjudication in the present application. Even assuming that there are any unauthorised layouts the same are subject to the LRS scheme announced by the state Government and the same are in respect of the private patta lands. The Applicant without making any specific averment with regard to any encroachment in Sy.No.19 of Gajularamaram village, has made omnibus allegations without any basis and as such the original application is not maintainable.

- iv. It is submitted that there was no encroachment of any extent of forest land and there was no destruction of any NALA or water stream. When the lands developed by this respondent are not in forest lands, but private patta lands, it is not known as to why the forest Authority clearance is required as alleged at paragraph No.6 & 7 of the Original Application. The statements made at paragraphs

For VEENUS ARCADE

Managing Partner

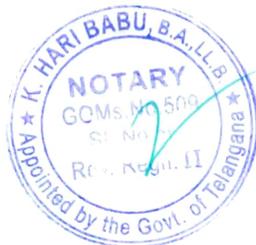


No.3, 4, 5, 8 to 19 also do not contain any specific averment with regard to any encroachment at Sy.No.19(forest land) and the other allegations and averments with regard to the layouts, building permissions etc., with regard to developmental activities in private patta land in other survey numbers are outside the purview of the dispute under the present application. Infact as per the joint survey report with regard to the survey conducted by the officials of revenue department and forest department, there is patta land in possession of forest department.

- v. It is pertinent to submit that the Applicant is a busy body and highly speculative person and there are several instances where the applicant is involved in various speculative transactions in the locality and as the part of the speculative litigation only the present application is being filed.
- vi. If any specific material within the purview and scope of the issues amenable for adjudication by this Hon'ble Tribunal is placed by the applicant, this Respondent reserves its right to file additional counter.

For VEENUS ARCADE,

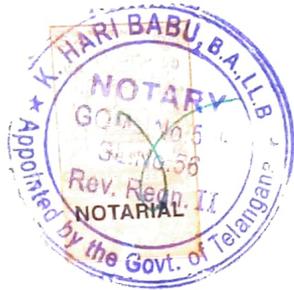
Managing Partner



For the reasons stated in the foregoing paragraphs, it is humbly pray that this Hon'ble Tribunal may be pleased to dismiss the above Application O.A.No.17 of 2022 with exemplary costs and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper and thus render justice.

Sworn and signed before me
on this the 29th day of November, 2022
at Hyderabad.

For VEENUS ARCADE
[Signature]
Managing Partner
DEPONENT



Advocate/Notary

ATTESTED
[Signature]
K. HARI BABU B.A; LL.B
ADVOCATE & NOTARY
Appointed by Govt. of Telangana
G.O.Ms No: 56, Rev. Regn-II
My Commission Expires on 08-08-2027
Kukatpally, Medchal-Malkajgiri Dist. Telangana

VERIFICATION

I, K.Raja Reddy S/o Siva Rami Reddy, Aged 42 years, Occ: Business, Plot No.534, Vivekanandanagar, Kukatpally, Hyderabad, do hereby declare that the contents made in the above counter affidavit are true and correct to the best of my knowledge and belief and information. Hence verified on this the 29th day of November, 2022 at Hyderabad.

[Signature]
Counsel for the Respondent No.13

For VEENUS ARCADE
[Signature]
Managing Partner
DEPONENT

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OF THE RESPONDENT No.13

Filed on : 02-12-2022

Filed by :

Counsel for the Respondent No.13