

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTH ZONE BENCH AT CHENNAI

Original Application No. 192 of 2021

Human Rights & Consumer Protection Cell Trust & Anr.

...Applicants

Vs.

The State of Telangana & 9 ors.

... Respondents

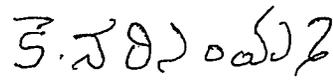
COUNTER AFFIDAVIT FILED ON BEHALF OF THE 9TH RESPONDENT.

I, Kaila Narsimha, son of K. Seenaiiah, atged about 47 years, having its office at Flat No.304, Sri Vijayalakshmi Residency, HUDA Colony, Chandanagar, Serilingampally, Hyderabad – 500 050, do hereby solemnly affirm and sincerely state as follows:

1. I am the Managing Partner of the 9th Respondent firm, and as such I am well aware of the facts and circumstances of the case, and I am competent to depose hereto.

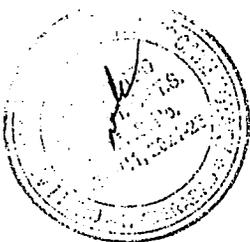
2. At the outset, it is submitted that all the averments and allegations in the above application are denied as false, frivolous and motivated except those that are specifically admitted hereunder. None of the averments in the application should be deemed to be admitted for want of specific traverse.

3. At the outset, the present OA is nothing but a diabolical attempt of a lawbreaker (viz 2nd Applicant) to deflect attention from its wrongdoing by


Partner

wrongly accusing the 9th Respondent of causing the problem which was created by the 2nd Applicant itself. The 'nala' is a water canal flowing past the residential complex developed by the 9th Respondent called 'Lalitha Divine County' and through the land on which the 2nd Applicant's flats are now constructed. At the time, the developer of 2nd Applicant's residential complex sought approvals to put up the 2nd Applicant residential complex, and the building layout for the same clearly shows an accommodation for free flow of water in a channel through the complex, without obstruction, it was based on this building layout that the Gram Panchayat, Ameenpur Village granted its approval. However, the 2nd Applicant daringly and boldly built up every square inch leaving no space for hydrological flow. This caused the flooding which is now complained of. Now, seeing the environmental devastation caused by it, it has donned the garb of a saint, and has dragged in the 1st Applicant (who has nothing to do with this case) and is claiming that the 9th Respondent has diverted the channel.

4. It is submitted that paras 1 to 3 of the application are the details of the Applicant and Respondents, and do not require any specific traverse. Suffice it to state that the application is a motivated attempt to harass the 9th Respondent herein and there is no bonafide in the applications.
5. Apropos para 4.1 of the application, it is submitted that the same pertains to encroachments on water bodies and pending proceedings before this Hon'ble Tribunal, and does not require a specific traverse.
6. Apropos paras 4.2 to 4.6 of the application, it is submitted that the averments and allegations therein are denied as false and frivolous. It is submitted that the 9th Respondent has not encroached any water body and has commenced construction of its venture only after obtaining requisite approvals from the Authorities therein. It is submitted that there is no flow of flood water nalas through the property of the 9th Respondent herein and it is only a figment of imagination of the Applicants herein. It is submitted that the documents filed by the Applicants herein do not establish any trace of flood water nalas in the property of the 9th Respondent.
7. It is submitted that the natural course of the flood water nala was through the 2nd Applicant's colony as evident from the building plan of the said colony. However, the 2nd Applicant had blocked the natural flow of the flood



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water nalas and put up constructions on the water bodies, thereby leading to the water inundation in the low lying areas. It is submitted that the 9th Respondent in order to avoid any water inundation near its property, had created a trench for flow of the water, which the Applicants are now trying to showcase as if it was the 9th Respondent which has diverted the flood water nala. It is pertinent to note that the 9th Respondent was forced to create a trench due to the encroachment of water bodies by the 2nd Applicant herein.

8. It is submitted that there has been no violation committed by the 9th Respondent herein, and it has acted in due accordance with law.
9. Apropos para 4.7 of the application, the allegations are against the 10th Respondent, and this Respondent has nothing to say on the same.
10. Apropos para 5 of the application, it is submitted that the applicants have extracted certain laws and judgments of the Hon'ble Courts. Suffice it to state that none of the grounds raised by the Applicants would lead to the prayer sought in the application as the 9th Respondent is not in contravention of any of the laws mentioned therein rather it is the 2nd Applicant which is in continuous violation of the said laws, and has filed this motivated application to harass the 9th Respondent and to escape the clutches of law.
11. It is submitted that the 3rd Respondent had given its technical approval in accordance with law, and the 9th Respondent has carried on its construction activities in line with the same, and has not contravened any law nor cause any damage to the environment through its activities.

OBJECTIONS TO THE REPORT DATED 29.10.2021 FILED BY THE JOINT COMMITTEE

12. It is submitted that the Joint Committee had in its Report observed that the 9th Respondent had partially obstructed the water flow, and has directed the 3rd Respondent to cancel the building permissions granted in favour of the 9th Respondent herein. Accordingly the 3rd Respondent had passed an order dated 21.08.2021 keeping the building permission in abeyance. Further, 8th Respondent has issued a Show Cause Notice dated 25.09.2021 as to why the constructions of the 9th Respondent should not be demolished. It is pertinent to note that the said orders of the 3rd Respondent Developers

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Partner

and 8th Respondent herein have been challenged by the 9th Respondent before the Hon'ble Telangana High Court vide W.P. Nos. 25246 and 25256 of 2021, and the Hon'ble High Court vide its order dated 5.10.2021 granted an interim order of suspension of the orders passed by the 3rd & 8th Respondent herein.

13. The copy of the Affidavit filed by the 9th Respondent before the Hon'ble Telangana High Court is filed herewith and 9th Respondent prays that the same may be treated as a part hereof and also as the 9th Respondent's objections to the Committee Report dated 29.10.2021.

14. It is submitted that the said interim orders of suspension are still in force, and the matter is *sub judice* before the Hon'ble Telangana High Court.

It is therefore prayed that this Hon'ble Tribunal may be pleased to DISMISS the above application, and thus render justice.

of Lalitha Construction and Developers

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Partner

Solemnly affirmed at Hyderabad
On this the 14th day of December, 2021
I certify that the contents of this affidavit
Were read out and explained in Telugu in
My presence to the Executant who appeared
Perfectly to understand the same and made
His signature in my presence.

BEFORE ME



ADVOCATE: HYDERABAD

ATTESTED

CHALLARI NAGESWARA RAO, Advocate
Notary, Appointed by Govt. of T.S.
G.O.M.S. No. 1394/11, 2021-2026
HIG-I, B-4, F-12, Baghlingampally, Hyd-44.

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HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
AT HYDERABAD

WP. No. 25246 OF 2021

Between:-

M/s Lalitha Constructions and Developers,
A Partnership Firm,
Rep. by its Partner,
Mr. Kaila Narsimha S/o Sri Kaila Seenaiah,
Aged 44 years, Occ: Business,
R/o Flat No. 304, Sri Vijaya Lakshmi Residency,
HUDA colony, Chandanagar, Serilingamapally
K.V. Ranga Reddy District, Telangana - 500050.

.....Petitioner

AND

1. The State of Telangana
Rep. by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad.
2. The Tahsildar
Ameenpur Village & Mandal,
Sanga Reddy District.
3. The Commissioner,
Hyderabad Metropolitan Development Authority (HMDA)
Tarnaka, Hyderabad,
4. The District Collector,
Sanga Reddy District,
Sanga Reddy.
5. The Revenue Divisional Officer,
Sanga Reddy Division,
Sanga Reddy District, Sanga Reddy.
6. The Executive Engineer,
Department of Irrigation & CAD,
Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer,
IB & CADD Division, Irrigation Department,
Sanga Reddy District, Sanga Reddy.
8. The Commissioner
Ameenpur Municipality,
Ameenpur, Sanga Reddy District,

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9. Krishna Brundhavan Association,
 Represented by its President:
 K. Ramesh, S/o Narasimha Ramulu,
 Aged about 37 years, Occ: IT employee,
 R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony,
 Ameenpur, Sanga Reddy District

10. Green Villas Colony
 Rep. by its president
 Sri. P. Prabhakar Rao, S/o Unknown
 R/o Plot No. 113, H. No. 5-1001104,
 Ameenpur Village & Mandal,
 Sanga Reddy District

.....Respondents

AFFIDAVIT

I, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ: Business, R/o Plot No. 143, Sri Vijaya Lakshmi Residency, Nallagandla, Lingampally, K.V. Ranga Reddy District, Telangana - 500019, do hereby solemnly affirm and state on oath as follows;

1. I am the Deponent and the Partner of 1st Petitioner herein and as such I am well acquainted with the facts of the case and able to depose as under.

2. That the present writ petition is filed challenging the action of the respondent No. 2 in issuing Notice No. B/1273/2021 dt. 25.09.2021 that the petitioner is encroaching the flood water canals between the Kothacheruvu and Bandamkommu tanks of Ameenpur village and mandal, violating the rules enumerated in the WALTA Act 2002 and directing the petitioner to submit explanation as to why the residential houses/constructions should not be dismantled/removed from FTL/ Buffer zone areas of the lakes/tanks within the stipulated period of 15 days as illegal, arbitrary, violation of principles of natural justice and against settled provisions of law.

3. It is submitted that the petitioner is a partnership firm engaged in the business of construction and development. That the petitioner is the absolute owner and possessor of the land in Sy No. 276/AA admeasuring Ac 0.10 gts and in Sy No. 315 admeasuring Ac 0.34 gts, total admeasuring



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Ac 1.04 gts, situated at Ameenpur village, Municipality & Mandal, Sanga Reddy District, having purchased the same through the registered sale deed bearing document Nos. 21139 of 2020 dt 14.08.2020 and 22101 of 2020 dt 02.07.2020, registered in the office of Joint Sub Registrar Sanga Reddy District.

4. It is submitted that the petitioner has also entered into an Development Agreement Cum General Power of Attorney for the subject lands mentioned here under:

Sl. No.	DAGPA Document No.	Dt.	Survey No.	Total Extent of land (in Sq. yards)
1	21202/2020	19.06.2020	314/౩1/3 314/౩3 314/౩4 314/౩1/2 314/౩1/1 314/౩1/4	1815.00
2	15911/2020	19.06.2020	154 Part 169 Part 123 136	484.00
3	22103/2020	02.07.2020	315	2420.00
4	18074/2020	10.07.2020	314/౩2 314/౩2	1452.00
5	20859/2020	13.08.2020	315	363.00

5. That the petitioner is constructing an apartment having four blocks in the total land admeasuring 9,914.75 Sq. mtrs in Sy Nos. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315. That the petitioner has applied for building permission for Residential building/ apartment building containing proposed (amenities block) 1 Cellar + 1 Stilt + 5, proposed (Block D): 1 Stilt + 5, proposed (Block C): 1 Stilt + 5, proposed (Block B), 1 Stilt + 5, proposed (Block A): 1 Stilt + 5 upper floors in survey No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sanga Reddy District vide application No. 038956/SKP/R1/U6/HMDA/10092020 dt. 10.09.2020 and the same has been granted on 24.03.2021.



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6. While the matter stood, thus the petitioner has received a notice No. B/1273/2021 dt. 25.09.2021 issued by the 2nd respondent. In the said notice it is stated that the petitioner is encroaching the flood water canals between the Kothacheruvu and Bandamkommu tanks of Ameenpur village and mandal, violating the rules enumerated in the WALTA Act 2002 and directing the petitioner to submit explanation as to why the residential houses/ constructions should not be dismantled/removed from FTL/ Buffer zone areas of the lakes/tanks within the stipulated period of 15 days.

7. It is pertinent to submit that the building permission was granted by the 3rd respondent based on the master plan and village map available in their office. That as per the same there is no nala passing through the Sy No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sanga Reddy District wherein the petitioner is constructing the building. That in fact as per the village map, there are nalas passing through the 9th and 10th Respondent layouts which are adjacent to the Petitioners layout. That the 9th Respondent has changed the course of the nala in the layout map submitted to Gram Panchayat and from the same it is clear that a nala is passing through the 9th Respondent layout in "L" shape. The permission was accorded to the 9th Respondent only on the condition that the nala is maintained, preventing water inundation. However, the 9th respondent contrary to the layout plan has blocked the nala passing through their layout which is further causing inundation and water logging during rains. That the same was affecting the construction of the petitioner's building as it was obstructing the ingress and egress of the construction vehicles hampering the construction activities. To prevent the same the petitioner has carved a temporary outlet for water through the petitioner's land. That the 9th and 10th respondent taking undue advantage of the same have been contending that the petitioner has encroached a nala and filed numerous complaints with various authorities against the petitioner, so that they can divert the nalas cutting from their respective layouts to save their extent of land with a malafide intention. From the village map it is clear that there are no nalas cutting from the petitioner's land, however nalas can be seen in the 9th and 10th respondents land.



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8. It is further submitted that the 9th respondent has demanded Rs. 10.00 crores and the petitioner have not acceded to the demands, they have malafidely filed an application before the Hon'ble National Green Tribunal, Chennai in OA No. 192 of 2021 on 18.08.2021 which is pending. And on multiple occasions they have blocked the construction vehicles of the petitioner and have also assaulted the workers working on the site of the petitioner, as the petitioner didn't accede to their extortion demands. That the petitioner has received a letter vide Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt. 21.08.2021 from the 3rd respondent directing the petitioner to not to proceed with the construction, and the same is being challenged by way of a separate writ petition.

9. It is submitted that the 2nd respondent without perusing the village map which clearly shows that there are no flood water canals passing through the petitioners land have issued the impugned notice without application of mind and with absolute disregard to the petitioner principles of natural justice. Therefore, the impugned notice is neither maintainable on facts or law and the petitioner will be put to irreparable loss as he invested crores of rupees by obtaining loans, if the same is not set aside. That there are about 200 workers working on the site and stopping the construction activity would cause a huge loss to their livelihood. The petitioner reserves his right to file additional affidavit along with additional material papers if necessary. Hence this Writ Petition.

10. The petitioner has no other alternative of effective remedy except to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

11. The petitioner has not filed any other writ petition or initiated any other proceedings in respect of the relief sought for in this Writ Petition.

For the reasons mentioned above, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ or Direction or Order, more particularly one in the nature of Writ of Mandamus, declaring the action of



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the respondent No. 2 in issuing Notice No. B/1273/2021 dt. 25.09.2021 that the petitioner is encroaching the flood water canals between the Kothacheruvu and Bandamkommu tanks of Ameenpur village and mandal, violating the rules enumerated in the WALTA Act 2002 and directing the petitioner to submit explanation as to why the residential houses/ constructions should not be dismantled/removed from FTL/ Buffer zone areas of the lakes/tanks within the stipulated period of 15 days as illegal, arbitrary, violation of principles of natural justice and against settled provisions of law and consequently set aside the same and pass such other orders or reliefs as this Hon'ble Court deems fit and proper in the interests of justice.

It is further prayed that this Hon'ble Court may be pleased to Suspend the operation of the Notice No. B/1273/2021 dt. 25.09.2021 issued by the respondent No. 2, pending disposal of main Writ Petition and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interests of justice.

Sworn and signed before me on
this the 4th October, 2021
at Hyderabad.

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Deponent

Advocate // Hyderabad
(M. Suresh Kumar)

VERIFICATION

I, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ: Business, R/o Plot No. 143, Sri Vijaya Lakshmi Residency, Nallagandla, Lingampally, K.V. Ranga Reddy District, Telangana - 500019, do hereby declares that the information mentioned in paras 1 to 12 are true and correct to the best of my knowledge and belief and the rest of the paras are stated to be on legal advice and the same is believed to be true and correct. Verified on this the 4th day of October, 2021 at Hyderabad.

N. Anand
Advocate

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Deponent

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HIGH COURT OF JUDICATURE FOR THE STATE OF TELANGANA
AT HYDERABAD

WP. No. ~~25256~~ OF 2021

Between:-

M/s Lalitha Constructions and Developers,
A Partnership Firm,
Rep. by its Partner,
Mr. Kaila Narsimha S/o Sri Kaila Seenaiiah,
Aged 44 years, Occ: Business,
R/o Flat No. 304, Sri Vijaya Lakshmi Residency,
HUDA colony, Chandanagar, Serilingamapally
K.V. Ranga Reddy District, Telangana - 500050.

.....Petitioner

AND

1. The State of Telangana
Rep. by its Principal Secretary,
Municipal Administration & Urban Development Department
Secretariat, Hyderabad.
2. The Commissioner,
Hyderabad Metropolitan Development Authority (HMDA)
Tarnaka, Hyderabad,
3. The District Collector,
Sanga Reddy District,
Sanga Reddy.
4. The Tahsildar & Ex-Office Chairman,
Mandal Level WALTA Authority
Ameenpur Village, Ameenpur Mandal,
Sanga Reddy District.
5. The Revenue Divisional Officer,
Sanga Reddy Division,
Sanga Reddy District, Sanga Reddy.
6. The Executive Engineer,
Department of Irrigation & CAD,
Sanga Reddy District, Sanga Reddy.
7. The Superintendent Engineer,
IB & CADD Division, Irrigation Department,
Sanga Reddy District, Sanga Reddy.
8. The Commissioner
Ameenpur Municipality,
Ameenpur, Sanga Reddy District,

S. Narayana

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9. Krishna Bhrundhavan Association,
Represented by its President:
K. Ramesh, S/o Narasimha Ramulu,
Aged about 37 years, Occ: IT employee,
R/o Bandamkommu, Plot No. 52-S, Krishna Brundhavan Colony,
Ameenpur, Sanga Reddy District

10. Green Villas Colony
Rep. by its president
Sri. P. Prabhakar Rao, S/o Unknown
R/o Plot No. 113, H. No. 5-1001104,
Ameenpur Village & Mandal,
Sanga Reddy District

.....Respondents

AFFIDAVIT

I, Mr. Kaila Narsimha S/o Sri Kaila Seenaiiah, Aged 44 years, Occ: Business, R/o Plot No. 143, Sri Vijaya Lakshmi Residency, Nallagandla, Lingampally, K.V. Ranga Reddy District, Telangana - 500019, do hereby solemnly affirm and state on oath as follows;

1. I am the Deponent and the Partner of 1st Petitioner herein and as such I am well acquainted with the facts of the case and able to depose as under.

2. That the present writ petition is filed challenging the action of the respondent No. 2 in issuing Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt. 21.08.2021 directing the petitioner to stop the construction of Apartments by obstructing the nala in Sy No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sanga Reddy District and there by keeping the building permission vide No. 038956/SKP/R1/U6/HMDA/10092020 dt. 24.03.2021 in abeyance as illegal, arbitrary, violation of principles of natural justice and against settled provisions of law.

3. It is submitted that the petitioner is a partnership firm engaged in the business of construction and development. That the petitioner is the absolute owner and possessor of the land in Sy No. 276/AA admeasuring Ac 0.10 gts and in Sy No. 315 admeasuring Ac 0.34 gts, total admeasuring Ac 1.04 gts, situated at Ameenpur village, Municipality & Mandal, Sanga Reddy District, having purchased the same through the registered sale deed bearing document Nos.

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21139 of 2020 dt 14.08.2020 and 22101 of 2020 dt 02.07.2020, registered in the office of Joint Sub Registrar Sanga Reddy District.

4. It is submitted that the petitioner has also entered into an Development Agreement Cum General Power of Attorney for the subject lands mentioned here under:

Sl. No.	DAGPA Document No.	Dt.	Survey No.	Total Extent of land (in Sq. yards)
1	21202/2020	19.06.2020	314/౧1/3 314/౧3 314/౧4 314/౧1/2 314/౧1/1 314/౧1/4	1815.00
2	15911/2020	19.06.2020	154 Part 169 Part 123 136	484.00
3	22103/2020	02.07.2020	315	2420.00
4	18074/2020	10.07.2020	314/౧2 314/౧2	1452.00
5	20859/2020	13.08.2020	315	363.00

5. That the petitioner is constructing an apartment having four blocks in the total land admeasuring 9,914.75 Sq. mtrs in Sy Nos. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315. That the petitioner has applied for building permission for Residential building/ apartment building containing proposed (amenities block) 1 Cellar + 1 Stilt + 5, proposed (Block D): 1 Stilt + 5, proposed (Block C): 1 Stilt + 5, proposed (Block B), 1 Stilt + 5, proposed (Block A): 1 Stilt + 5 upper floors in survey No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sanga Reddy District vide application No. 038956/SKP/R1/U6/HMDA/10092020 dt. 10.09.2020 and the same has been granted on 24.03.2021.

6. While the matter stood, thus the petitioner has received a letter vide Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt. 21.08.2021, issued by the 2nd respondent, directing the petitioner to stop the construction of Apartments by obstructing the nala in Sy No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sanga Reddy District. In the said letter it is stated by the 2nd respondent that

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there were two complaints received by 9th respondent dt. 17.07.2021 and by 10th respondent dt. 16.07.2021 alleging that a nala is present in between Sy No. 266, 277, 314 & 315, the builder blocked the nala and constructing the apartment. That based on the above mentioned complaints the 2nd respondent directed the petitioner not to proceed with the construction of the building.

7. It is pertinent to submit that the above permission was issued by the 2nd respondent based on the master plan and village map available in their office. That as per the same there is no nala passing through the Sy No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sanga Reddy District wherein the petitioner is constructing the building. That in fact as per the village map, there are nalas passing through the 9th and 10th Respondent layouts which are adjacent to the Petitioners layout. That the 9th Respondent has changed the course of the nala in the layout map submitted to Gram Panchayat and from the same it is clear that a nala is passing through the 9th Respondent layout in "L" shape. The permission was accorded to the 9th Respondent only on the condition that the nala is maintained, preventing water inundation. However, the 9th respondent contrary to the layout plan has blocked the nala passing through their layout which is further causing inundation and water logging during rains. That the same was affecting the construction of the petitioner's building as it was obstructing the ingress and egress of the construction vehicles hampering the construction activities. To prevent the same the petitioner has carved a temporary outlet for water through the petitioner's land. That the 9th and 10th respondent taking undue advantage of the same have been contending that the petitioner has encroached a nala so that they can divert the nalas cutting from their respective layouts to save their extent of land. From the village map it is clear that there are no nalas cutting from the petitioner's land, however nalas can be seen in the 9th and 10th respondents land.

8. It is submitted that the 2nd respondent has issued the letter vide Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt. 21.08.2021 basing on the complaints issued by the 9th and 10th respondents with a malafide intend to save their extent of land and thereby causing loss of petitioner's land by attributing an imaginary nala which was never flowing through the petitioner's subject land. Further the petitioner was not served with any show cause notice giving him an opportunity to explain before issuing the impugned letter directing the

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petitioner to stop the construction which is in violation of the principles of natural justice of the petitioner. Further, in the said impugned notice the 2nd respondent refers to the letter No. EE/ID/SRD/DB/DEE(T)/HD2/305/2 dt. 17.08.2021 issued by the 6th respondent stating that a surplus channel is being diverted by the pattadars of the land in Sy No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sanga Reddy District with no mention of from when the surplus channel was being diverted. That the said letter of the 6th respondent was not furnished to the petitioner preventing him from perusing the same to determine the veracity of it by way of a counter/reply. Therefore, relying on the same by the 2nd respondent in the impugned notice has directed the petitioner to stop the construction which is non application of mind and illegal.

9. It is further submitted that the 9th respondent has demanded Rs. 10.00 crores and the petitioner have not acceded to the demands, they have malafidely filed an application before the Hon'ble National Green Tribunal, Chennai in OA No. 192 of 2021 on 18.08.2021 which is pending. And on multiple occasions they have blocked the construction vehicles of the petitioner and have also assaulted the workers working on the site of the petitioner, as the petitioner didn't accede to their extortion demands. That the petitioner has received a show cause notice dt.25.09.2021 from the 4th Respondent seeking an explanation as to why the construction of the petitioner should not be dismantled as it violates the WALTA Act, and the same is being challenged by way of a separate writ petition.

10. It is submitted that the 2nd respondent without perusing the village map which clearly shows that there are no nalas passing through the petitioners land have issued the impugned notice based on the malafide complaints of the 9th and 10th respondents without application of mind and with absolute disregard to the petitioner principles of natural justice. Therefore, the impugned notice is neither maintainable on facts or law and the petitioner will be put to irreparable loss as he invested crores of rupees by obtaining loans, if the same is not set aside. That there are about 200 workers working on the site and stopping the construction activity would cause a huge loss to their livelihood. The petitioner reserves his right to file additional affidavit along with additional material papers if necessary. Hence this Writ Petition.

S. Sridhar

11. The petitioner has no other alternative of effective remedy except to invoke the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

12. The petitioner has not filed any other writ petition or initiated any other proceedings in respect of the relief sought for in this Writ Petition.

For the reasons mentioned above, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ or Direction or Order, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No. 2 in issuing Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt. 21.08.2021 directing the petitioner to stop the construction of Apartments by obstructing the nala in Sy No. 276/B, 277, 314/A2, 314/A3, 214/A4, 314/C1/1, 314/C1/2, 314/C1/3, 314/C1/4, 314/C2 & 315 in Ameenpur Village & Mandal, Sanga Reddy District and there by keeping the building permission vide No. 038956/SKP/R1/U6/HMDA/10092020 dt. 24.03.2021 in abeyance as illegal, arbitrary, violation of principles of natural justice and against settled provisions of law and consequently set aside the same and pass such other orders or reliefs as this Hon'ble Court deems fit and proper in the interests of justice.

It is further prayed that this Hon'ble Court may be pleased to Suspend the impugned Lr. No. 038956/SKP/R1/U6/HMDA/10092020 dt. 21.08.2021 issued by the respondent No. 2, pending disposal of main Writ Petition and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interests of justice.

కె.నరసింహుడు

Deponent

Sworn and signed before me on
this the 4th October, 2021
at Hyderabad.

Advocate // Hyderabad

VERIFICATION

I, Mr. Kaila Narsimha S/o Sri Kaila Seenaiyah, Aged 44 years, Occ: Business, R/o Plot No. 143, Sri Vijaya Lakshmi Residency, Nallagandla, Lingampally, K.V. Ranga Reddy District, Telangana - 500019, do hereby declares that the information mentioned in paras 1 to 12 are true and correct to the best of my knowledge and belief and the rest of the paras are stated to be on legal advice and the same is believed to be true and correct. Verified on this the 4th day of October, 2021 at Hyderabad.

కె.నరసింహుడు

Deponent

Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL

SOUTH ZONE BENCH AT CHENNAI

Original Application No. 192 of 2021

Human Rights & Consumer Protection Cell Trust & Anr.

...Applicants

Vs.

The State of Telangana & 9 ors.

... Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF THE 9TH

RESPONDENT.

M/s. SRINATH SRIDEVAN

TK BHASKAR

K HARISHANKAR

COUNSELS FOR THE 9TH RESPONDENT.