

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONE BENCH AT CHENNAI

ORIGINAL APPLICATION No. 19 OF 2023 (SZ)

IN THE MATTER OF

Kotari Muralidhar Babu,
HNO.1-7, Kappaladoddi Village,
Guduru (Mandalam), Machilapatnam Dist

... Applicant

Versus

Karumachi Kameswara Rao
S/o Sri Karumachi Arjuna Rao
Agricultural Labour
Akkumarru Village, Guduru (Mandalam)
Machilapatnam District, Andhra Pradesh State
And 8 Others

... Respondents

REPLY AFFIDAVIT FILED BY THE 8TH RESPONDENT

**M/s. GAUTAM S.RAMAN
ADVOCATE**

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Counsel for 8TH Respondent

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SL. NO.	DESCRIPTION OF DOCUMENT	PAGE NO.
1.	REPLY AFFIDAVIT FILED BY THE 8TH RESPONDENT	1 -6

Place: Chennai

Date: 04.10.2023

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Andhra Pradesh – 521366. ... Applicant

Versus

State of Andhra Pradesh,
Represented by its Chief Secretary,
Secretariat, Velagapudi, Guntur District,
Andhra Pradesh – 522503.
And 8 others ... Respondents

REPLY AFFIDAVIT FILED BY THE 8th RESPONDENT

I, Karumanchi Kameswara Rao, S/o. Sri Karumanchi Arjuna Rao, a resident of Akkumarru Village, Guduru (Mandalam), Machilapatnam District, Andhra Pradesh State, aged about 40 years, and an agricultural labourer, do hereby solemnly affirm and sincerely state as follows:

1. I am the 8th respondent in the affidavit and I am well acquainted with the facts and circumstances of the case brought forth by the applicants.
2. I deny all the averments contained in the application, except those that are specifically admitted herein. I respectfully request permission to file additional reply statements and documents, if necessary, at a later stage.

K. Kameswara Rao



3. The petitioner has filed an application seeking direction for Respondents 2, 4, & 5 to take action against private respondents R8 & R9 for purportedly engaging in illicit mining activities and to assess the alleged damage inflicted upon agricultural lands and surrounding areas of Sy.No 87-1, 87-2, 88-2, 86-1A, 88-4A, 88-4B, 65-5A, 65-5B, 68-2B, 95-2, 85-1A, 89-3B in Kappaladoddi Village of Guduru Mandalam, Machilipatnam District, Andhra Pradesh.

4. I categorically deny all the allegations presented in the application and wish to assert that I am a humble agricultural labourer who earns his livelihood through honest toil. It has come as a surprise to me to find my name included as one of the respondents in the aforementioned application, despite my complete lack of involvement in the matters under scrutiny.

5. I am a landowner with a property situated in R. Sy.no 86-1A, covering an extent of Ac. 1.60 cents, located in Kappaladoddi Village of Guduru Mandal, Machilipatnam District. Regrettably, this land is unsuitable for traditional agricultural activities and has primarily served as grazing grounds for cattle. The land in question is entirely surrounded by assigned lands allocated to Scheduled Caste beneficiaries by the Government. The entire region is categorized as upland, rendering it unsuitable for conventional crop cultivation. In an effort to render it more amenable to agriculture, landowners, including myself, have submitted representations for the extraction of the upper soil layers to facilitate farming. Subsequently, these representations were forwarded to the pertinent government departments for appropriate action.

K. Kamurathu



6. Notably, Government-allocated "Jagananna Houses" to some eligible beneficiaries in near by Sy No. of our lands. During the construction of these Government housing schemes, the beneficiaries sourced barren soil from Government-owned lands exclusively for the purpose of filling material for government projects.

7. I vehemently dispute the allegations levied by the petitioner regarding illegal soil and sand excavation activities within Sy.no 87-1, 87-2, 88-2, 86-1A, 88-4A, 88-4B, 65-5A, 65-5B, 68-2B, 95-2, 85-1A, 89-3B in Kappaladoddi Village of Guduru Mandalam, Machilipatnam District. These allegations lack any basis in reality.

8. The assertion that the private respondents undertook excavations to a depth of 30 to 40 feet is wholly unsubstantiated and divorced from actuality. The land primarily comprises soil and silt, hence the notion of soil erosion in applicant's land as asserted by the petitioner is devoid of merit. Furthermore, the photographs submitted by the petitioner do not accurately represent the state of affairs in our village, thereby leading to a misleading impression.

9. It is worth emphasizing that the alleged excavated area is situated more than 200 meters distant from my property, rendering any claims of soil erosion or denudation irrelevant to my situation.

10. Furthermore, it should be noted that the petitioner is not a resident of our village but rather resides in Hyderabad. It appears evident that the petitioner's allegations against the Scheduled Caste beneficiaries, including myself, are driven by malice and are characterized by caste-



K. Nagamalleswara Rao

based discrimination. A criminal case was also pending against the applicant vide crime No. 89 of 2023 at Guduru Police station of Krishna district under Section 506,509 IPC 3(1) (r), 3(1)(s), 3(2) (v a) SC ST POA Act.

In summation, I wish to reiterate:

- a) I am not engaged in any illicit excavation activities as delineated in the application.
- b) I do not possess any vehicles or excavators, and none of my tools or belongings have been subject to seizure, as alleged in the application.
- c) My involvement or role in the purported excavations has not been corroborated by any official reports from relevant departments.
- d) The allegations levelled against me by a non-resident of Kappaldoddi Village are devoid of merit, malicious in intent, and entangled with agricultural land boundary disputes.

In light of the above-mentioned facts and circumstances, I humbly beseech the Honorable National Green Tribunal to dismiss the original application No. 19 of 2023.

Dated at Machilipatnam on this the 4th day of October, 2023.



Counsel for 8th Respondent

8th Respondent



VERIFICATION STATEMENT

I, Karumanchi Kameswara Rao S/o Sri.Karumanchi Arjuna Rao aged 40 years Occupation, Agricultural labour , Akkumarru Village of Guduru Mandal, District, Machilipatnam, do hereby solemnly affirm that the contents of the above paras 1 to 10 are read out and explained to me in Telugu and I hereby verify that the same is true to the best of my knowledge and belief and I have not suppressed any material fact.

8th RESPONDENT*K. Karumanchi Rao*

K ————— *21/02/23*
K.NAGAMALLESWARA RAO
M.Com., L.L.B,
ADVOCATE & NOTARY
Appointed by State Govt. of A.P.
MACHILIPATNAM, Krishna Dt., A.P



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Versus

State of Andhra Pradesh,
Represented by its Chief Secretary,
Secretariat, Velagapudi, Guntur District,
Andhra Pradesh – 522503.
And 8 others ... Respondents

VERIFYING AFFIDAVIT

I, Karumanchi Kameswara Rao S/o Sri.Karumanchi Arjuna Rao, aged 40 years, Occupation, Agricultural labour, Akkumarru Village of Guduru Mandal, Machilapatnam District, do hereby solemnly affirm and sincerely state as follows:

1. I hereby state that I am well aware of the facts and circumstances of this case.
2. I hereby declare that I have been explained the contents of paragraphs 1 to 10 of the Reply in Telugu. I hereby verify after being explained that the contents of the paragraphs 1 to 10 are true to the best of my knowledge and belief and that nothing material is concealed.

Solemnly affirmed at Machilapatnam]
On this the 4th day of October, 2023]
And signed his name in my presence.]

K. Kameswara Rao
Before me

Ky
K.NAGAMALLESWARA RAO
M.Com., L.L.B.,
ADVOCATE & NOTARY
Appointed by State Govt. of A.P.
MACHILIPATNAM Krishna Dt., A.P

Notary Public

4/10/23

