

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH AT CHENNAI
ORIGINAL APPLICATION No. 208 OF 2021

IN THE MATTER OF

Srikanth Madhyastha

... Applicant

VERSUS

**The Deputy Commissioner Udupi District
& Others**

... Respondents

COMPILATION I

PAPER BOOKS

[FOR INDEX:: KINDLY SEE INSIDE]

Praveen

ADVOCATE FOR THE RESPONDENT No-13

K.N. Praveen Kumar & Associates
Advocates, Vakil Chavadi, "New Law Chambers"
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C.N. Halli, R.T. Nagar Post, Bengaluru-560 032
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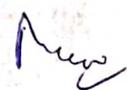
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INDEX

<u>S.No.</u>	<u>PARTICULARS</u>	<u>PAGES</u>
<u>COMPILATION-I</u>		
1.	Reply Cum Statement of Objections filed by the respondent no-13 to the Original (main) Application	1-4
2.	Verifying affidavit	5-6
3.	Vakalath	7

Chennai
Date 20-11-2021


Counsel for Respondent no-13

K.N. Praveen Kumar & Associates
Advocates, Vakil Chavadi, "New Law Chambers"
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BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE

BENCH AT CHENNAI

ORIGINAL APPLICATION No. 208 OF 2021

1

IN THE MATTER OF

Srikanth Madhyastha

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**The Deputy Commissioner Udupi District
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... Respondents

**REPLY CUM STATEMENT OF OBJCETIONS FILED BY THE
RESPONDENT NO-13 TO THE ORIGINAL APPLICATION**

The Respondent no-13 humbly submits as under:

1. That all those averments and allegations made by the applicant as against this respondent which are not traversed or denied by this respondent herein may kindly be treated as it had denied the same as false.
2. That the respondent humbly submit that the building number and permission for electricity connection has been provided to respondent no-12 as per Panchayath Resolution No-55(3)/2019-20 only after obtaining necessary Legal opinion on 30-06-2020.
3. It has been opined in the legal opinion report that The Deputy commissioner has passed necessary order regarding Land Conversion of survey no 71/3 of Balkudru Village and the same is in operation. The granting of permission for electricity connection falls within the essential service, as held by hon'ble High Court of Karnataka in a writ Petition

R. S. Srinivas
ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ
5ನೇ ಬರೋಡಿ ಗ್ರಾಮ ಪಂಚಾಯತ್
ಬಾಗಲಕೋಟೆ ತಾಲ್ಲೂಕು, ಉಡುಪಿ ಜಿಲ್ಲೆ

give building numbers. The legal opinion further pointed out that as per Section 58(4) read with Article 243-G since the Village Panchayath is an independent body the Panchayath has power to give building number and NOC for electricity connection in favor of Uma Devi W/o Keshava Kunder after considering required necessary documents.

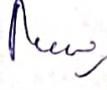
4. The respondent no-13 respectfully submits that in the year 2004-05 the Panchayath has issued license to re-construct the building for Fish processing Unit and issued License no 54/2004-05. The license has been renewed till 31-03-2016. However as per Government Order dated 24-02-2016 the Village Panchayath has given power only to issue permission letter for Small Scale Industries and not to issue any trade licenses.
5. It is submitted that there is a complaint from locals and villagers that they face pollution problem and even to the nearby school is also affected. A notice has been issued to Respondent no-11 (Sri Keshava Kunder) seeking explanation and a letter has been written to respondent no-4 requesting to report on the extent of pollution caused in the matter. Till date there is no response from respondent no-11 and the aforesaid authority.
6. The respondent no-13 humbly submits that it has acted legally and only in accordance with law and no collusion or no favor has been made in the subject matter.
7. All other allegations and averments by applicant against this respondent in the application is far from truth and is false. This respondent has only limited power in the affairs of respondent no-11. Hence the following prayer.


 ಸಂಚಾರ್ಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ
 ನೇ ಐರೋಡಿ ಗ್ರಾಮ ಪಂಚಾಯತ್
 ಉಡುಪಿ ಜಿಲ್ಲೆ

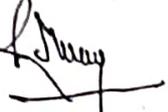
For all the reasons stated above the hon`ble Tribunal may (3)
kindly be pleased to dismiss the application as against this
respondent to meet the ends of Justice and equity.

AND FOR THIS ACT OF KINDNESS THE RESPONDENT, AS
IN DUTY BOUND, SHALL EVER PRAY. .

CHENNAI
DATE 20.11.2021


Advocate for the Respondent no-13

K.N. Praveen Kumar & Associates
Advocates, Vakil Chavadi, "New Law Chambers"
"Srinikethana" # 3, 2nd Cross, S.S.A. Road
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ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ
5ನೇ ಐರೋಡಿ ಗ್ರಾಮ ಪಂಚಾಯತ್
ಬಹಾವರ ಕಾಲೂರು, ಉಡುಪಿ ಜಿಲ್ಲೆ

VERIFICATION:

(4)



I, Rajesh Shenoy S/o Panduranga Shenoy Aged about 53 years, The PDO of the respondent no-13 herein, do hereby verify that the contents of Para 1 to 7 are true and correct to my personal knowledge and believed to be true on legal advice and that I have not suppressed any material fact.

[Signature]
20/11/2024

**NOTARY
KUNDAPURA**

[Signature]
DEPONENT
ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ
5ನೇ ಐರೋಡಿ ಗ್ರಾಮ ಪಂಚಾಯತ್
ಬ್ರಹ್ಮಾವರ ತಾಲೂಕು, ಉಡುಪಿ

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE
BENCH AT CHENNAI

5

ORIGINAL APPLICATION No. 208 OF 2021

IN THE MATTER OF

Srikanth Madhyastha

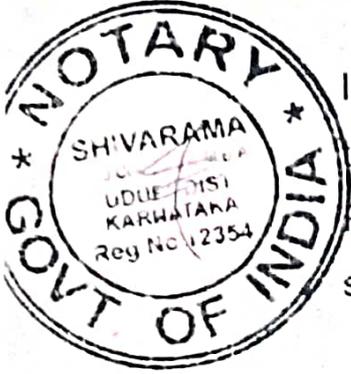
... Applicant

VERSUS

The Deputy Commissioner Udupi District
& Others

... Respondents

AFFIDAVIT



I, Rajesh Shenoy aged 53 years S/o Panduranga Shenoy the Panchayath Development Officer 5th Irody Village Panchayath Brahmavara Taluk Udupi District, do hereby solemnly affirm and state on oath as under:-

1. That I am the respondent no-13 in the abovementioned matter and as such I am well conversant with the facts and circumstances of the case and hence I am competent to swear and sign the present Affidavit on my behalf.
2. That the accompanying Reply has been drafted as per my instructions by my counsel and I have read the contents thereof and I understood the same.

Solemnly affirmed and the Contents at this affidavit having been read over to the deponent and admitted by him to be true and correct and signed before me on This 20th day of Nov 2021 at Kundapura

That the contents of the aforesaid Reply are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed there from.

NO. OF CORRECTIONS nil ONLY

NOTARIAL REGISTER

SI No 675 20/11/2021

NOTARY
KUNDAPURA

 DEPONENT

ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ
5ನೇ ಐರೋಡಿ ಗ್ರಾಮ ಪಂಚಾಯತ್
ಬ್ರಹ್ಮಾವರ ತಾಲೂಕು, ಉಡುಪಿ ಜಿಲ್ಲೆ

VERIFICATION:

Verified at Irody on this the 20th day November, 2021 that the contents of the above said affidavit are true and correct to the best of my knowledge and belief, no part of it is false and no material has been concealed there from.



[Signature]
20/11/2021

**NOTARY
KUNDAPURA**

[Signature] DEPONENT

ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ
5ನೇ ಐರೋಡಿ ಗ್ರಾಮ ಪಂಚಾಯತ್
ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯಾಲಯ, ಉಡುಪಿ ಜಿಲ್ಲೆ
ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯಾಲಯ, ಉಡುಪಿ ಜಿಲ್ಲೆ

Solemnly affirmed and the Contents at this affidavit having been read over to the deponent and admitted by him to be true and correct and signed before me

This 20/11 day of Nov. 2021
at Kundapura

NO. OF CORRECTIONS 0 ONLY

BEFORE THE
IN THE COURT OF THE

NATIONAL GREEN TRIBUNAL SITTING AT CHENNAI

VAKALATH

7

O.A No 208 of 2021 (SZ)

SRIKANTH MADHYASTHA

Plaintiff / Complainant / Petitioner

DISTRICT COLLECTOR UDUPI & others

Defendant / Accused / Respondents

I/We Rajesh Shenoy the Panchayath Development
Office 5th Irudi village Panchayat Brahmavara
Taluk Udipi District

K.N. Praveen Kumar

Advocate - High Court

Roll No KAR 575/1992

Advocate/Vakil,

do hereby appoint and retain to appear for me/us in the above matter and to conduct, prosecute, defend, and compromise the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein I/We empower my/our Advocate/Vakil to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any money that might be payable to me/us in the said suit or matter.

In witness where of I/We have hereunto set my/our hand this 13th day of Nov 2021

Date 13-11-2021

Advocate / Vakil

Accepted

Praveen

K.N. Praveen Kumar

Advocate - High Court

Roll No KAR 575/1992

The address for service of
the said Advocate is:

K.N. Praveen Kumar & Associates

Advocates, Vakil Chavadi, "New Law Chambers"

"Srinikethana" # 3, 2nd Cross, S.S.A. Road

C.N. Halli, R.T. Nagar Post, Bengaluru-560 032

Email: praveenkatte.adv@gmail.com

9972865254

Signed before me by the executants this 13th day of Nov 2021 the contents hereof having been first read over interpreted to the executants in English language which having been understood, admitted by him/her/them to the court

Praveen

ಪ್ರಾಜೆಕ್ಟ್ ಉದ್ದೇಶಗಳಿಗಾಗಿ
ಈ ದಾಖಲೆ ಗುರುತಿಸಿದ
ಪ್ರಾಜೆಕ್ಟ್ ಮೂಲಕ, ಸಹಾಯಕಿ