

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

APPLICATION NO.36/2023

BETWEEN

SRI. JAGAN KUMAR.J.

..... APPLICANT

A N D

**THE DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT &
OTHERS**

.... RESPONDENTS

**THE RESPONDENT NO.7 FILES THE FOLLOWING STATEMENT OF
OBJECTION IN THE ABOVE CASE AS HEREUNDER:**

The 7th Respondent humbly submits as hereunder:

1. The Respondent submit the appellant filed the above case against the respondents under section 18 read with section 14,15 of National Green Tribunal Act 2010 is itself is not maintainable either in law or on facts and the same is liable to be dismissed.
2. **REG. PARA 1.** It is not in dispute the respondent No.7 being the Developer developing the lands in the name of BHOO SAI CHARANA and developed the land in Sy. No.11 of Belathur village and Sy. No.299 of Kadugodi village Bidarahalli Hobli, Bangalore. It is specifically denied that the respondent encroaching and blocking stream/Rajakaluve/Waterbody and its Buffer Zone.
3. **REG. PARA 2.** It is specifically denied that this respondent encroached and closed the second storm water Drain which was flowing diagonally in the south west side in Sy. No.11. It is further denied that this respondent encroached stream/storm water Drain which was flowing West to East in the northern side of Sy. No.299 of Kadugodi village and formed the road and residential site/villa plots. Since there is no encroachment as alleged in the application filed by the appellant, the application is deserve to be dismissed.
4. **REG. PARA 3:** It is specifically denied that accessing raw/unfinished road approx 30 feet wide and 500 mtrs length to the this respondent project is formed over the stream/storm water Drain which was flowing southern side adjacent to the Sy. No.7 to 11 and

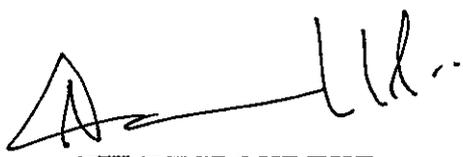
violation of Environmental law and various Guidelines and others of the Hon'ble courts and Tribunals. This respondent never encroached any stream/storm water Drain as alleged by the appellant.

5. **REG. PARA 4:** This respondent while forming the residential layout not encroached any stream/Storm water Drain or any roads as shown in the mater plan, except the false allegations, the appellant not produced any supporting documents as there is violation in the residential project developed by this respondent. The residential project developed by this defendant is not in violation of existing Roads, Stream/Storm water Drains, or any other public accessibility. The appellant being the RTI worker and residing in the same locality and he is in habit of filing false complaint against the land owners or developer to extract the money, except that there is no other reason or purpose.
6. **REG. PARA 5 to 7:** The appellant being RTI worker developed his activities by filing false and frivolous complaint for his illegal gain, but he is not social worker to protect the interest of public property or to save environmental pollution. It is not in dispute for the personal benefit of the appellant on one or other reasons sending the representation to this respondent and others just to make illegal claim and to extract the money, except that there is no other reasons to file this application in the absence of any such illegal encroachment of Stream/Storm water Drain or any public properties. Since in the residential project developed by this respondent no stream/Storm water Drain, roads are passes in to the said properties question to stop the ongoing road formation in the water ody and protected buffer area. The appellant with an ulterior motive just to initiate false before this Hon'ble Tribunal and other courts created the documents. This respondent before commencing the residential project followed all the procedural aspects with prior permission/approval from the competent authorities and as and when the concerned authorities directed to furnish the details and documents complied the same.
7. The appellant is not made out case on merits and grounds urged in

8. This respondent respectfully submits that they have developed the residential layout in Sy. No.11 of Beslthur village and Sy. No.299 of Kadugodi village, Bidarahalli Hobli, Bangalore East taluk. But they have not encroached any existing Stream/Storm water Drain, Roads or any other public property. As per the revenue survey documents this respondent not encroached any portion of the land or public properties and developed the properties as per the guidelines.
9. The Respondent submit that on the complaint filed by the appellant the authorities inspected the property developed by this respondent and confirmed there is no any such encroachment as alleged in the application.
10. The Respondent submits that the Superintendent of Police BBMP (BMTF) dated 21.01.2023 after the spot inspection on the statement of this respondent coming to conclusion that there was no any encroachment therefore submitted the Report to additional Inspector General of Police, BMTF, Bangalore. On perusal of this report dated 21.01.2023 it is made it very clear this respondent is not encroached any portion of the road or drainage as specified in the Survey records. The copy of the Report dated 21.01.2023 submitted by the Superintendent of Police BBMP (BMTF), Bangalore is herewith produced for kind perusal of this Hon'ble Tribunal.
11. All other allegations made in the application are hereby specifically denied as false.

WHEREFORE the Respondent No.7 above named prays that this Hon'ble Tribunal be pleased to dismiss the application with exemplary cost in the interest of justice and equity.


ADVOCATE FOR 7TH RESPONDENT
PLACE: CHENNAI
DATED


7TH RESPONDENT

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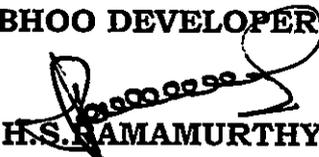
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**STATEMENT OF OBJECTIONS FILED BY THE 7TH RESPONDENT THE
MANAGER M/S. BHOO DEVELOPER**


**H.S. NAMAMURTHY
(ROLL NO. 204/1992
COUNSEL FOR 7TH RESPONDENT
CELL NO. 9845143642
Hsrlawassociates @ gmail.com**