

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI

O.A. NO. 41 OF 2023

IN THE MATTER OF:-

Paramesh Baligolla

...Applicant

AND

The Chief Secretary, Government of Andhra Pradesh
and Others

...Respondents

COUNTER AFFIDAVIT FILED BY RESPONDENT NO. 10

I, Kethireddy Venkatarami Reddy, S/o. Late Surya Prathap Reddy, aged about 43 years, Occ: Politician(MLA), Dharmavaram Constituency, R/o. D. NO. 15/84, S.B.I. Colony, Dharmavaram, Sri SathyaSai District-515671, do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the Respondent No. 10 herein as such, I am well acquainted with the facts and circumstances.
2. It is humbly submitted that all the material allegations made in the application against the answering respondent are false and fabricated and the application is not maintainable either on the facts or in law against the answering respondent.
3. The present application is without jurisdiction, as the appropriate forum for addressing the material allegations in the application (O.A.) lies within the purview of the competent court or authority.

4. Preliminary Submissions:-

- 4.1 At the very outset it is submitted that the instant application is not maintainable either in law or on facts as the applicant has not approached



Kethireddy Venkatarami Reddy

with clean hands before this Hon'ble Tribunal as the applicant has filed this application without knowledge of the true and correct facts. Therefore, the application should be dismissed at the outset for misleading the Hon'ble Tribunal.

4.2 That the applicant has filed the present application with a sinister design by implicating all the false allegations against the Respondent No.10 which are contrary to the fact that the Respondent No.10 does not holds any property on his name in the applicant mentioned property. This shows that the entire petition is a totally false and vague petition which is prepared and filed without the correct knowledge. The Hon'ble Supreme Court held in series of Judgement that **"It is of utmost importance that those who invoke this Court's jurisdiction must exercise restraint in moving the Court by not plunging in areas wherein they are not well-versed. Such a litigant must not succumb to spasmodic sentiments and behave like a knight errant roaming at will in pursuit of issues providing publicity."**

4.3 That except what has been specifically admitted herein, the rest of the statements made in the application may be deemed to have denied and repudiated by the answering respondent. The answering respondent humbly begs to state further that the answering respondent does not admit anything which is contrary to the record. Further crave leave of this Honourable Tribunal to file an additional affidavit, if necessary.

5. STATEMENT OF FACTS:

5.1 That before traversing the reply on merits, the answering Respondent begs to submit the following submissions materials for correct appreciation and proper adjudication of instant Application:-



- 5.2 It is respectfully submitted that the answering Respondent is a Politician(MLA) and an effective political leader. The answering Respondent further submits that there is much criticism of Political Leaders and leadership in contemporary political commentary. Despite of that, the answering Respondent has won from his constituency from Dharmavaram and has been delivering his duties with utmost care and caution.
- 5.3 It is respectfully submitted that the answering Respondent has never encroached or misused the pockets of lands in Yerraguddam Hill and Dharmavaram lake area nor has he ever illegally occupied any land covering 45 Acres in Yerraguddam Hill and 20 Acres of Dharmavaramlake with survey No. 661.
- 5.4 It is pertinent to mention that this answering Respondent does not even hold any properties in Yerraguddam Hill or in Dharmavaram lake. That moreover, the Applicant herein has filed this present application at the behest of Political rivalries to defame the answering Respondent.

6. PARA-WISE REPLY TO THE CONTENTIONS MADE BY THE APPLICANT AGAINST THE RESPONDENT NO.10:

- 6.1 That the contents of Para No. 1, 2& 3 are formal in nature hence, needs no reply.
- 6.2 That the contents of Para No. 4 is not within the knowledge of the answering Respondent hence, needs no reply.

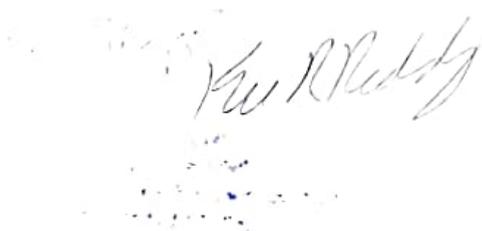


- 6.3 That the contents of Para No. 5 is vehemently denied and the answering Respondent humbly submits that the Applicant is falsely alleging that the Respondent No. 10 have illegally occupied and encroached the land over 45 Acres in Yerraguddam Hill including the land to an extent of 20 Acres forming part of the Dharmavaram lake in Sy. No. 661. The applicant has filed the present petition without having any correct knowledge of the facts and has not come to this Honourable Tribunal with clean hands, clean heart, clean mind and a clean objective.
- 6.4 That the contents of Para No. 6 is vehemently denied that the remaining 25 Acres of the land belongs to the government and has been illegally occupied by the 10th Respondent, in the name of his relatives bearing Survey Nos. 904, 904-B, 904-C, 905-2, 908-1, 909-1, 909-2. The Applicant herein has been trying to defame the Respondent No. 10 in numerous ways since he has become a Member of Legislative Assembly. Infact, the Applicant has also got published a fake news in the Newspapers against this answering Respondent at the behest of rival political contestants. It is pertinent to mention that the present application is one such application sponsored by the rival political contestants against this answering Respondent.
- 6.5 That the contents of Para No. 7 are all vexatious allegations made by the Applicant as such are denied in toto.

[Handwritten Signature]



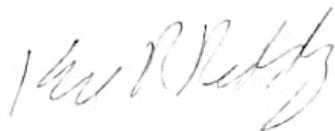
- 6.6 That the contents of Para No. 8 are vehemently denied as the same are alleged without there being any basis that the answering Respondent has constructed any illegal constructions and further occupied over 45 Acres of government lands by exercising the political power and influence within the various government departments.
- 6.7 The claims made in Paragraph 9 are strongly refuted. The news articles in question were published in newspapers because of the influence of a rival political competing candidate and do not hold any legal significance. It is important to note that the person making these claims against Respondent No. 10 has been making baseless accusations without providing any proof or documentation. It is also worth mentioning that this person has been filing unsubstantiated applications and spreading false news articles about Respondent No. 10 with the intention of damaging their reputation.
- 6.8 In reply to Paragraph 10, the Applicant addressed a letter to the Joint Collector, Anantapuram under which they have provided a detailed account alleging that Respondent No. 10 and their supporters had wrongfully assumed control of their land and obstructed local farmers from its utilization. The Applicant vehemently states that these claims, including the assertion that these farmers had cultivated the land for 120 years, were entirely unfounded and unsubstantiated. The Applicant may



be put to strict proof of the same. The further claim that the Applicant received numerous threats from this answering respondent is untrue. It seems like the Applicant made up these stories just for this application at the behest of rival political party leaders as the Applicant is put to strict proof of the same.

6.9 In reply to Paragraph 11, suggests that the Applicant approached Mr. Gonuguntla Suryanarayana seeking information regarding illegal land encroachments, it is essential to clarify that these claims are entirely fabricated. In reality, this present application has been submitted at the behest of Mr. Gonuguntla Suryanarayana himself. It is noteworthy that Mr. Gonuguntla Suryanarayana contested the MLA position for the Dharmavaram constituency as a Telugudesam Party (TDP) candidate. It is important to highlight that this Respondent currently holds the position of MLA for the same constituency. It appears that Mr. Gonuguntla Suryanarayana is attempting to tarnish the reputation of this Respondent with baseless and groundless allegations in light of this political context by using this applicant as scapegoat.

6.10 That the contents of Para No. 12 & 13 are not known to the answering Respondent hence, needs no reply.



6.11 In reply to Paragraph 14, that Respondent No. 10 has acquired multiple boats for commuting to his farm on Yerragudam Hill and for recreational purposes, along with the claim that the 10th Respondent has obstructed the water flow to nearby agricultural lands to facilitate these boating activities, these statements are categorically incorrect and are hereby refuted in their entirety. Furthermore, the assertion that Respondent No. 10 has transformed the lake into a private water body for the exclusive use of operating his boats to access his guest house, and the additional allegation that he has unlawfully restricted the lake's water supply, a vital source of irrigation for the surrounding 2000 acres of farmland, causing severe hardship to local farmers, are all baseless fabrications devised solely for the purpose of this application in an attempt to elicit sympathy.

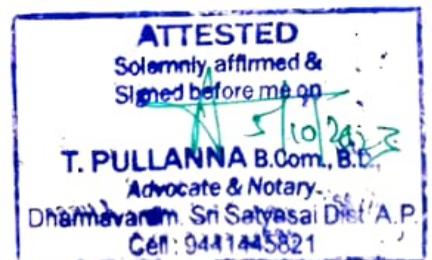
7. The following settled law which curtailed the applicant to come to the court on the following:

The English Court of Common Pleas in the case of **Ashby v. White (1704) 92 ER 121**, held that a person who brings a frivolous or vexatious action will not be heard. The court defined a frivolous action as one that is "groundless in fact or law" and a vexatious action as one that is "calculated to annoy or injure the defendant."

It is also well settled law in the case of **Mohan Singh Vs.State of Punjab (1966) AIR 1587** held that a person who seeks to enforce an equitable claim must come to court with clean hands. The court defined clean hands as "the absence of fraud, misrepresentation, or any other unconscionable conduct."



A handwritten signature in blue ink, appearing to read 'T. Pullanna'.



Therefore in view of the foregoing facts, evidence, and legal submissions, it is hereby prayed that this Hon'ble Tribunal may be pleased to dismiss the present application, as it lacks merit while imposing exemplary costs.

Sworn and signed before me,
On this 5th day of October, 2023
and signed his name in my presence


Deponent

Advocate

VERIFICATION

I, Kethireddy Venkatarami Reddy, S/o. Late Surya Prathap Reddy, aged about 43 years, Occ: Politician (MLA), Dharmavaram Constituency, R/o. D. NO. 15/84, S.B.I. Colony, Dharmavaram, Sri Sathya Sai District-515671, presently came down to Hyderabad, do hereby verify that the contents of the above paragraphs are true to the best of my knowledge and that I have not suppressed any material fact. Hence, verified on this the 5th day of October, 2023 at Hyderabad.


DEPONENT

