

BEFORE THE NATIONAL GREEN TRIBUNAL,

SOUTHERN ZONE, CHENNAI

A No.66/2022

BETWEEN

N.Rajagopal Reddy

..... Applicant

AND

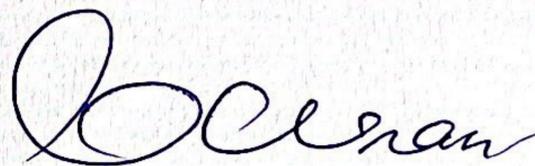
**Deputy Commissioner
and others**

..... Respondents

I N D E X

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**Bangalore
18.01.2023**



Advocate for Respondent No.5

**Sri.Liaquat.A.Pathan,B.Sc,LL.B(Spl)
Advocate,KAR/1172/2013
Flat No.302,Tristar Splendor,
#505,4th Main,1st Stage,3rd Block,
HBR Layout,Bangalore-560043**

BEFORE THE NATIONAL GREEN TRIBUNAL ,

SOUTHERN ZONE

CHENNAI

OA No.66/2022

BETWEEN

N.Rajagopal Reddy Applicant

AND

Deputy Commissioner and others ... Respondents

COUNTER FILED ON BEHALF OF THE 5th RESPONDENT

Sudhasara Reddy K.

1. I, Mrs. Geetha W/o , aged Major, Commissioner, ,Gowribidanur City Municipal Council having its office at Old Taluk Office, Gowribidanur, Chickballapur District , Karnataka State, do hereby solemnly affirm and sincerely state as follows:

2. I submit that I am the 5th respondent in this case and as such am well aware of the facts of the case. I further

by D.M.
ಪರಮಯ್ಯರು
ನಗರಸಚಿ, ಗೌರಿಬಿದನೂರು.



submit that this respondent reserves its right to file a more detailed affidavit with the leave of this Hon'ble Tribunal, if necessary, at a later stage as the present affidavit has been filed in the limited time available with the Respondent.

3. I submit that the petition is neither just nor maintainable either in law or on facts filed with misrepresentation of facts.
4. I hereby deny and dispute all the facts stated, contentions raised and grounds urged in the present Petition except those, which are specifically and unequivocally admitted in this reply. That the answering Respondent is filing the instant Counter Affidavit to the present application to bring on record correct facts and circumstances of the case before this Hon'ble Tribunal.
5. Before advertng to the application served so far in the present subject matter, this Respondent seeks to submit for the aversion made in para 16 of the application that

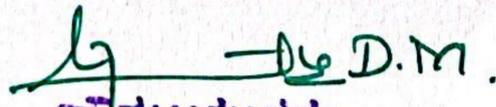
by T.D.K.
 ಪರವಯಕ್ತರು
 ವಕೀಲರು, ಗೌರವವರು.



,so far as construction of bridge by the respondent 7 is concerned, this respondent submits as under.

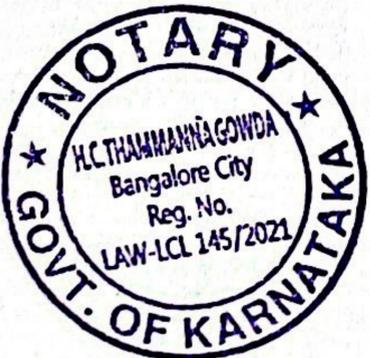
The Minor Irrigation/ Ground Water Development Department, Government of Karnataka and Tahasildar , Gowribidanur Taluk have given approval/permission after duly getting the survey/ inspection/feasibility report of construction of the bridge site, as these department are duly authorized and competent authority. There was no further necessity to seek an additional/further sanction/approval/permission from Municipal Council, Gowribidanur for construction of bridge as alleged. The approvals/sanctions obtained by respondent no.7 are already submitted by the applicant as documents in support of his application before this Hon'ble Tribunal vide reference Annexure – 7 , 8 , 9 & 10.

6. With regard to averments made in para 28 of the application , it is submitted that the averments are nothing but the repletion of averments made in Para 16 of the


D.M.

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ನಗರಸಭೆ, ಗೌರಿಬಿದನೂರು.



application. It is submitted that as there was not at all any illegal or unlawful encroachment, the necessity of initiating or taking action by this respondent for lawful act, when all approvals/permissions/sanctions by the Government competent authorities are placed on record. Hence, this respondent Municipal Council is not having any authority of its own for initiating any action.

7. It is further submitted that it is pertinent to bring before this Hon,ble Tribunal that the construction of bridge by the 7th respondent is based on the recommendations and approvals given by various Karnataka Government Departments studying the material facts/records/guidelines/rules and regulations laid down by the government authorities. Hence, this respondent has no power or authority to interfere in the functioning of the Government departments.



By D.M.
ಅಧ್ಯಕ್ಷರು
ಮಂಡಳಿ, ಕೊಪ್ಪಳ.

8. It is further submitted that all the approvals, sanctions, permissions, from Government body clearance are placed in public domain and there was or is any objections raised by the public except this applicant.
9. It is pertinent to place before the Hon' ble Tribunal that the applicant had also filed an appeal before The deputy commissioner, Chickballapur District vide appeals No.ALN/G/SR/119/2014-15 and No.ALN/G/SR/110/2014-15 raising all objections/allegations as made in this application and the appeals were rejected vide order dated 04.01.2021 and the same is produced and marked as Annexure R-8. Therefore, resjudica is applicable in this case raising same issues before this tribunal also.

Therefore, it is submitted that the contentions put forth by the applicant are devoid of merit and have to be rejected and the application has to be heard on merits. The NGT has the power to hear all civil cases relating to environmental issues and



by T.D.M.
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ನಗರಸಭೆ, ಗೊಂಬಿನಕೆರೆ.

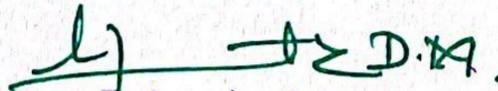
questions that are linked to the implementation of laws listed in Schedule I of the NGT Act.

It is obvious that such a litigative adventure by the present applicant is clearly against the principles of Res Judicata as well as principles of Constructive Res Judicata and principles analogous thereto.

It is further submitted that the Tribunal has jurisdiction over all civil cases only where a substantial question relating to the environment including enforcement of any legal right related to environment is involved and the said substantial question should also arise out of the implementation.

It is further submitted that applicant does not disclose all the material facts fairly and truly but states that in a distorted manner and mislead the Court.

In the above circumstances, in view of the reasons stated as above, it is most humbly prayed that this Hon'ble Tribunal may



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be pleased to dismiss the above frivolous application with exemplary cost to deter others from venturing into such proxy litigations camouflaging bona fide environmental prosecution as it lacks merits and it is liable to be dismissed on facts and on law and justice.

Bangalore
18.1.2023

[Signature] D.M.
Respondent no:5
ನಗರಸಭೆ, ನೌಬತ್‌ನೂರು.

VERIFICATION

Verified at Bangalore on this 9th day of December 2023 that the contents of my above affidavit are true and correct to my knowledge, information and belief and nothing material has been concealed there from ;

[Signature]

Advocate for respondent No5

Sri.Liaquat.A.Pathan,B.Sc,LL.B(Spl)
Advocate,KAR/1172/2013
Flat No.302,Tristar Splendor,
#505,4th Main,1st Stage,3rd Block,
HBR Layout,Bangalore-560043

[Signature] D.M.
DEPONENT
ಘೋಷಿತರು
ನಗರಸಭೆ, ನೌಬತ್‌ನೂರು.



BEFORE THE NATIONAL GREEN TRIBUNAL , SOUTHERN
ZONE, CHENNAI

OA No.66/2022

BETWEEN

N.RajagopalReddy Applicant

AND

Deputy Commissioner and others Respondents

AFFADIVIT

I, Mrs. Geetha W/o Sudhakar Reddy E., aged Major, Commissioner,
, Gowribidanur City Municipal Council having its office at
Old Taluk Office, Gowribidanur, Chickballapur District ,
Karnataka State, do hereby solemnly affirm and sincerely
state as follows:

D. M.
ವಿರೂಪಾಕ್ಷ
ವಿರೂಪಾಕ್ಷ, ಗೌರಿಬಿದಾನೂರು.



No. of Corrections. One only

That, I am the 5th respondent in the above OA 66/2022 and therefore, I am fully conversant with the facts of the case and I am competent to sign and swear this affidavit.

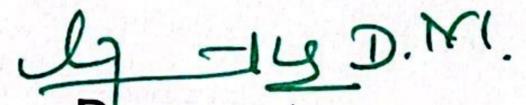
That the accompanying reply/counter affidavit has been drafted by my counsel and the same has been read over and explained to me and I state and declare that the same are true and correct.

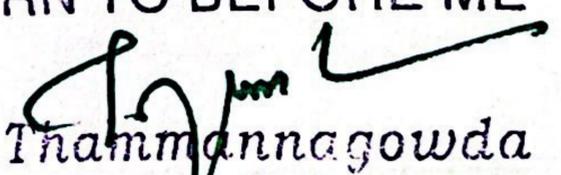
That the content of accompanying reply/counter affidavit be read as part and parcel of this affidavit as the same are not repeated for the sake of brevity.

Filed by me 
Advocate for
the 5th respondent

Sri. Liaquat A. Pathan, B.Sc, LL.B (Spl)
Advocate, KAR/1172/2013
Flat No.302, Tristar Splendor,
#505, 4th Main, 1st Stage, 3rd Block,
HBR Layout, Bangalore-560043

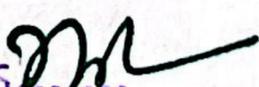



Deponent
ನಗರಸಭೆ, ಗೌರವವಾಸಿಗಳು.

SWORN TO BEFORE ME

H.C. Thammannagowda
Advocate & Notary
"Spoothi", No. 101, 2nd Cross,
Kamat Layout, Chikkabidarakallu,
BANGALORE - 560 073.

18 JAN 2023

9

No. of Corrections 



IN THE COURT OF

JUDICIAL (S2)

No. 66/2022

of 20

CHENNAI

Plaintiff/s, Petitioner/s,
Appellant/s, Complaint/s
Decree - Holder/s/Caveator
N. RAJAGOPALA REDDY

| Vs. |

Defendant/s, Respondent/s
Opponent/s, Accused,
Judgement - Debtor/s
DEPUTY COMMISSIONER & OTHERS

I/We Mrs. Greta, Commissioner, C.M.C, Gowribidanur

the Respondent

Nos. 5

in the above matter hereby appoint and retain

Sri Liaquat. A. Pathan, Advocate, HBR Layout
Bengaluru 560043

to appear act and plead for me us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein appeals and or other proceedings arising there from and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein, or receive any money which may be payable to me/us.

2. I/We hereby authorise him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree/order therein to appeal from any decree/order therein and to appeal to act to plead in such appeal in any preferred by any other party from any decree/other therein.

I/We further agree that, if I/We fail to pay the fees agreed upon or to give due instructions at all stages/ he they is/are at liberty to retire from the case and recover all amounts due to him/them and retain all my-our monies till such dues are paid.

Executed by me/us this 17th day of January, 2023 at Bengaluru.

[Signature]

[Signature]
Signature/s
Commissioner

C.M.C. Gowribidanur.

Executant/s are personally known to me and he/has/they have signed before us.

Satisfied as to the identify of executant/s Signature/s
(where the executant/s are illiterate, blind or unacquainted with the language of vakalath)

Certified, that the contents were explained to the executant/s in my presence in.....
language known to him/them who appear/s perfectly to understand the same and has/have signed in
the presence.

Accepted

[Signature]

Address for service

Sri.Liaquat.A.Pathan,B.Sc,LL.B(Spl)
Advocate,KAR/1172/2013
Flat No.302,Tristar Splendor,
#505,4th Main,1st Stage,3rd Block,
HBR Layout,Bangalore-560043

Advocate for Respondent No. 5

Place: Bengaluru

Date: 17.1.2013