

BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN ZONE, CHENNAI

O.A. No. 193 of 2021 (SZ)

IN THE MATTER OF:

1. D. Rajavardhan Reddy
2. Perapogu Kishore

...Applicants

-versus-

1. The State of Andhra Pradesh,
Revenue Department, A.P. Secretariat
2. The Engineer-in-Chief, Irrigation Department
Vijayawada
3. The Superintending Engineer
Irrigation (Medium & Minor) Circle, Kurnool
Kurnool District
4. The District Collector
Kurnool District
5. The Revenue Divisional Officer
Kurnool Revenue Division, Kurnool
6. The Executive Engineer
Water Resource Department
Minor Irrigation Water Division, Kurnool
7. Dhulipalla Koti Swamy
8. AravetiBabaiah
9. Duddempudi Kiran Kumar
10. SaperuRajasekharappa
11. Dhulipalla Venkata Rao

...Respondents

*S. R. Reddy*

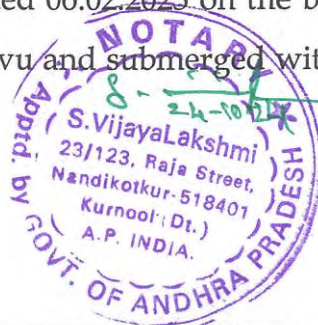
AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT NOS. 7 TO 11

I, SaparuRajasekharappa, son of SapuruKumarappa, aged about 48 years, residing at H.No. 23/23-123B, Rajaveedhi, Nandikotkur, Kurnool District, do hereby do solemnly affirm and state as follows:

1. I am the 10th Respondent herein. I am filing the present affidavit in reply on behalf of Respondent Nos. 7, 8, 9 and 11. I am as such well acquainted with the facts of the case, and I am competent to swear to the contents of the affidavit.
2. It is submitted that the present reply is being filed in response to the counter affidavit filed on behalf of the 4th Respondent. The said Counter Affidavit is stated to have been filed on behalf of the 1st and 5th Respondents as well. At the outset, nothing stated in the counter affidavit of the 4th Respondent may be deemed admitted by the Answering Respondents herein, unless such admission is expressly borne out from the contents of the present reply.

Preliminary Submissions:

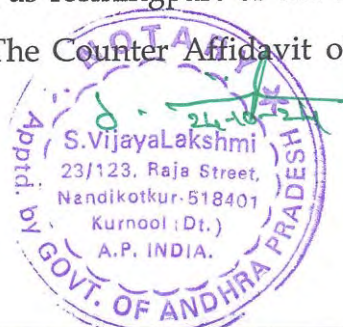
3. It is submitted that the 4th Respondent has, by way of its Counter Affidavit admitted that as per Revenue Record (i.e., RSR), no extent of the Cheruvu exists in the subject lands in Sy. Nos. 81/1 and 299 of B. Thandrapadu Village (hereinafter referred to as "Subject Lands"), being patta lands belonging to the Answering Respondents herein. It is also pertinent to note that the said lands are expressly classified as "Dry" lands in the revenue records.
4. However, much to the Answering Respondents' shock, the 4th Respondent has also stated in its Counter Affidavit that the 5th Respondent herein rejected the conversion applications submitted by the Answering Respondents in respect of the Subject Lands by way of an order dated 06.02.2023. The 5th Respondent appears to have passed the purported order dated 06.02.2023 on the basis that (a) land is in submerged area of Gangamma Cheruvu and submerged with full of water during



rainy season and (b) that a case is pending before the Hon'ble NGT for similar lands at GangammaCheruvu

5. The reasons cited in the purported order dated 06.02.2023 stand in stark contradiction to the Revenue Departments own admitted position in the Counter Affidavit to the effect that there exists no Cheruvu in the Subject Lands. Further, the purported rejection order dated 06.02.2023 is stated to have been passed by the 5th Respondent on 06.02.2023, on the very same day the 5th Respondent claims to have received a report in this regard from the Tahsildar of Kurnool Rural Mandal, and nearly three years after the requisite conversion fee having been paid by the Answering Respondents herein and approved by the 5th Respondent itself, as far back as in March 2020. What is even more alarming is that the Answering Respondents herein were never served a copy of the purported order dated 06.02.2023 and came to learn of the same only by way of the present Counter Affidavit of the 4th Respondent. It is submitted that 5th Respondent has passed the purported order dated 06.02.2023 without any competency/authority and ultra vires the provisions of the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (hereinafter referred to as the "2006 Act") and also the Andhra Pradesh Agricultural Land (Conversion for Non-Agricultural purposes) Rules, 2018 (hereinafter referred to as the "2018 Rules"). Aggrieved by the purported order on these and other grounds, the Answering Respondents have filed a writ petition before the Hon'ble High Court of Andhra Pradesh in W.P. No. 20277 of 2024, impugning the order dated 06.02.2023 and the same is pending consideration. The Answering Respondents accordingly reserve all their rights and contentions in this regard.

6. In fact, it is submitted that lands of other similarly placed patta holders, have been developed, including by way of educational institutions and residential colonies. It is also a matter of record that a portion of National Highway has also been constructed/laid in land claimed as forming part of the submersible area of the purported GangammaCheruvu. The Counter Affidavit of the 4th Respondent is



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conveniently silent on this aspect. Quite apart from the fact that such large scale construction work in the lands, which admittedly fall within the area of the Kurnool Urban Development Authority (KUDA), itself belies the case of the lands being tank land, the raising of objections only in relation to the filling/proposed development of the Subject Lands of the Answering Respondents in Sy Nos. 81/1 and 299 indicates the mala fide and ulterior motives of certain vested interests. The Original Application therefore appears to be an attempt to misuse legal process, as alluded to by the Answering Respondents in their reply to the Application as well, which ought not to be permitted by this Hon'ble Tribunal.

Para-wise submissions:

7. The contents of unnumbered paragraphs and the tables contained in pages 2 to 4 of the Counter Affidavit only go to show that even as per the RSR, RoR, manual adangal and web adangal, the lands at Sy. Nos. 81/1 and 299 are patta lands and no extent of the Cheruvu exists in Sy. Nos. 81/1 and 299.
8. The contents of paragraphs 1 to 4 merit no response. It is however reiterated that for the reasons contained in the Reply Statements of the Respondents 7 to 11 dated 09.02.2022 and 02.07.2024, as well as the present reply, the contentions in the captioned original application is liable to be rejected with costs.
9. The contents of paragraph 5, insofar as it states that instructions were issued to the Irrigation and Revenue Departments to prevent further levelling and filling of the patta land, are strongly denied for want of knowledge and the 4th Respondent is put to strict proof of the same. This is quite apart from any such purported instructions being factually as also legally unsustainable.
10. The contents of paragraphs 6 and 7 are vehemently denied/contested. As pointed out earlier, the purported rejection of the Answering Respondents' conversion application by way of an order dated 06.02.2023 was not communicated to the Answering Respondents and has been brought to our knowledge only by way of the 4th Respondent's Counter Affidavit. This, by itself,



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vitiates the proceedings of the 5th Respondent. In any event, it is submitted that purported order passed by the 5th Respondent is contrary to the scheme and provisions of the 2006 Act as also the rules made thereunder. The Preliminary Submissions with regard to the illegality of the purported order dated 06.02.2023 are duly re-iterated. Aggrieved by the said order, the Answering Respondents have filed W.P. 20277 of 2024 before the Hon'ble Andhra Pradesh High Court and the same is pending. Accordingly, the Answering Respondents expressly reserve all their rights and contentions in this regard.

11. The contents of para 8 merit no response.

12. For the reasons stated above, it is most humbly prayed that this Hon'ble Tribunal be pleased to dismiss the Original Application No. 193 of 2021 (SZ) and reject the reliefs sought for in the said Application, with cost, and thus render justice.

Dated at Kurnool on this the 24th day of October, 2024.

S. Aridw

Solemnly affirmed at Kurnool]
on this the 24th day of October 2024]
and signed his name in my presence.]

BEFORE ME

ATTESTED

S. Vijaya Lakshmi
24-10-2024



Register No. 1
Serial No. 7
Date 24-10-2024

S. VIJAYA LAKSHMI, B.Com, B.A
VOCATE & NOTARY PUBLIC
Appointed by Govt. of Andhra Pradesh
H.No. 23/123, Raja Street,
NANDIKOTKUR-518 401, Kurnool (Dt.)
Andhra Pradesh, INDIA. Call: 9440780521

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...Applicants

-versus-

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10 ors.

...Respondents

AFFIDAVIT IN REPLY ON BEHALF OF
RESPONDENT NOS. 7 TO 11 TO THE
COUNTER AFFIDAVIT FILED BY THE
RESPONDENT NO. 4

ARUN KARTHIK MOHAN (MS 2909(b)/07)
SUHRITH PARTHASARATHY (MS 977(f)/08)

COUNSEL FOR RESPONDENT NOS. 7 TO 11