

**BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL, SOUTHERN ZONE, CHENNAI**

**PRESENTATION FORM**

**APPLICATION NO. 12/2013 (SZ)**

Serial No. \_\_\_\_\_

Advocate Sri

D.NAGARAJ

ADVOCATE

# 608/A,

DR.RAJKUMAR ROAD,

2<sup>ND</sup> BLOCK, RAJAJINAGAR,

BANGALORE -560010.

MOB - 9448881513

**BETWEEN**

**ENVIRONMENT SUPPORT  
GROUP**

**AND**

**UNION OF INDIA &  
OTHERS**

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<b>Sl No.</b>	<b>Description Of Paper Presented</b>
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1. Application under Order IX Rule 7 of the Code of Civil Procedure read with Section 19(4)(h) of the National Green Tribunal Act.
2. Affidavit.
3. **ANNEXURE-R1:** Copy of the letter dated 5.3.2013 addressed by the Principal Secretary to Government, Law, Justice, and Human Rights Department to the Chief Secretary to Govt of Tamilnadu, Chennai.
4. Vakalath

**PLACE: CHENNAI**

**DATED:15-04-2013**

**ADVOCATE FOR 6TH RESPONDENT  
D.NAGARAJ**



**BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN  
ZONE, CHENNAI**

**APPLICATION NO.12 / 2013 (SZ)**

**BETWEEN:**

**ENVIRONMENT SUPPORT GROUP,  
BANGALORE**

**..APPLICANT**

**AND:**

**UNION OF INDIA AND OTHERS**

**..RESPONDENTS**

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**PLACE: CHENNAI**

**DATE:15-04-2013**

**ADVOCATE FOR 7TH RESPONDENT  
D.NAGARAJ**



1

**BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN  
ZONE, CHENNAI**

**I.A.No.**

**IN**

**APPLICATION NO.12 / 2013 (SZ)**

**BETWEEN:**

**ENVIRONMENT SUPPORT GROUP,  
BANGALORE**

**..APPLICANT**

**AND:**

**UNION OF INDIA AND OTHERS**

**..RESPONDENTS**

**APPLICATION UNDER ORDER IX RULE 7 OF THE CODE  
OF CIVIL PROCEDURE READ WITH SECTION 19(4)(h) OF  
THE NATIONAL GREEN TRIBUNAL ACT**

That for the reasons stated in the accompanying affidavit, the 7th Respondent most respectfully prays, this Hon'ble Court be pleased to recall the Order dated 13<sup>th</sup> March 2013 in so far as it relates to setting ex-parte Respondent No.7 and permit the Respondent No.7 to defend the above applications, in the interest of justice and equity.

**PLACE: CHENNAI**

**DATED:15-04-2013    ADVOCATE FOR 7TH RESPONDENT  
D. NAGARAJ**



**BEFORE THE NATIONAL GREEN TRIBUNAL, SOUTHERN  
ZONE, CHENNAI**

**APPLICATION NO.12 / 2013 (SZ)**

**BETWEEN:**

**ENVIRONMENT SUPPORT GROUP,  
BANGALORE**

**..APPLICANT**

**AND:**

**UNION OF INDIA AND OTHERS**

**..RESPONDENTS**

**AFFIDAVIT**

I, Dr.H.S.Ramesh, S/o Sri H.S.Shama Rao, Aged about 61 years, Chairman, Karnataka State Environment Impact Assessment Authority, 7<sup>th</sup> Floor, 4th Phaser, M.S.Building, Dr.Ambedkar Veedhi, Bangalore-560 001, today at Mysore, do hereby solemnly affirm and state on oath as follows:

1. I state that, I am the Chairman of the 7th Respondent in this application and I know the facts of the case. Hence, I am swearing to this affidavit.

2. I state that, the Applicant in this application has sought various directions against the Respondents directing to maintain Amrit Mahal Kavals free from any diversion/encroachment, to remove civil constructions illegally erected therein and to restore the same to its original state and further directions to commission the Regional Environment Impact Assessment, to study carrying capacity of the said region and also impacts on bio-diversity, environment, human settlement, and further direction to commission a comprehensive study of Socio Economic Impacts due to the project proposed over Pastoral and Agrarian Community of the region and for such other reliefs.



3. I further state that immediately after receipt of the notice from this Hon'ble Tribunal, I requested the State Government to make necessary arrangements to represent Respondent No.7 before this Hon'ble Tribunal. The State Government vide its letter dated 5.3.2013 requested the Chief Secretary, Government of Tamilnadu, Chennai, to engage the services of the Government Advocate at High Court of Chennai, to appear and defend the State of Karnataka and also defend on behalf of the Respondents No.6, 7, 8 and 9 before this Hon'ble Tribunal. A copy of the letter dated 5.3.2013 addressed by the Principal Secretary to Government, Law, Justice, and Human Rights Department to the Chief Secretary to Government of Tamilnadu, Chennai, is herewith produced at **ANNEXURE-'R1'**. Under such circumstances, on 13<sup>th</sup> March 2013, I have not appeared before this Hon'ble Tribunal nor I have engaged any Counsel as I am under the bona fide impression that the State of Karnataka has made arrangements to represent and defend the Respondent No.7 authority before this Hon'ble Tribunal, and this Hon'ble Tribunal noticing my absence, was pleased to place me ex-parte. My absence on 13<sup>th</sup> March 2013 is for the aforesaid bona fide reasons and not intentional one. Therefore, the Order dated 13<sup>th</sup> March 2013 may be set aside and I may be permitted to defend the above application as prayed for in the accompanying application.

Wherefore, I respectfully pray that this Hon'ble Tribunal may be pleased to allow the accompanying application as prayed for, in the interests of justice.



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**VERIFICATION**

I Dr.H.S.Ramesh, Chairman of the 7th Respondent herein state that the averments made in the accompanying application are true and correct to the best of my knowledge, information and belief.

**IDENTIFIED BY ME**

**ADVOCATE**

**MYSORE**

**DATED:**

**NO. OF CORRECTIONS:-**

**DEPONENT**

**"Sworn to before me"**



# ANNEXURE - 19

5

## GOVERNMENT OF KARNATAKA

No. LAW 03 VHC 2013

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, dated 05.03.2013.

From  
The Principal Secretary to Government,  
Law, Justice and Human Rights Department.

To  
The Chief Secretary to  
Government of Tamilnadu,  
Chennai.

Sir,

Sub:- Application No.6/2013 filed by Sri. Leo F.Saldanha ,  
Bangalore Vs. The Union of India and others - Reg.  
Ref:- Government even letter dated 18.2.2013.

With reference to above subject, I am directed to state that the State of Karnataka by letter dated 18.2.2013 read at(1) above has requested the Chief Secretary, Government of Tamilnadu, Chennai to engage the services of a Government Advocate at High Court of Chennai to appear for and defend the State of Karnataka in the above said case to defend the respondents No.1, 2, 3, 4 & 5 respectively.

It is also necessary to defend the case on behalf of respondents No. 6, 7, 8 & 9 in addition to respondents No.1, 2, 3, 4 & 5 on the file of National Green Tribunal, Southern Zone, Chennai.

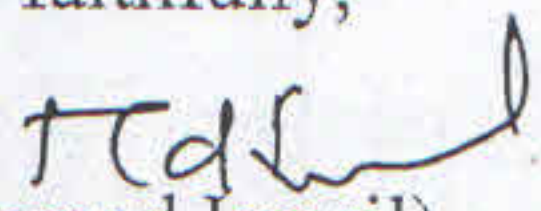
I am, therefore, to request that, if there be no objection, the Government Advocate at High Court of Chennai, may be permitted and also instructed to appear on behalf of the State of Karnataka on subsequent dates of hearing and to conduct defense. The Government of Karnataka are agreeable to pay remuneration to the Government Advocate in accordance with the scale of fees obtaining in your State.



In anticipation of the approval of the Government of Tamilnadu in this behalf, the Government Advocate, High Court of Chennai is being requested to appear for Respondents in the above case and obtain a long adjournment for filing the written statement.

The receipt of this letter may kindly be acknowledged.

Yours faithfully,

  
(Mohammed Ismail)

Deputy Secretary to Government,  
(Opinion-1)

Law, Justice and Human Rights Department.

Copy to:-

1. The Government Advocate, High Court of Chennai, Tamilnadu with a request to appear for Respondents in the above case.
2. The Secretary to Government, Union of India, Ministry of Environment and Forests, CGO Complex, Lodhi Road, New Delhi.
3. Principal Secretary to Government, Forest, Ecology & Environment Department, M.S.Building, Bangalore.
4. The Principal Chief Conservator of Forests, Government of Karnataka, 18<sup>th</sup> Cross, Malleswaram, Bangalore – 560 003.
5. The Chief Conservator of Forests, Regional Office (South), Ministry of Environment and Forests, Kendriya Sadan, Koramangala, Bangalore – 560 034.
6. The Chairman, Karnataka State Pollution Control Board, Parisara Bhavan, Church Street, Bangalore – 560 001.
7. The Chairman, Karnataka State Environment Impact Assessment Authority, 7<sup>th</sup> Floor, M.S.Building, 4<sup>th</sup> Phase, Bangalore – 560 001.
8. The Member Secretary, Karnataka State Biodiversity Board, Vanavikas, Malleswaram, Bangalore – 560 003.
9. The Deputy Commissioner, Chitradurga District, Karnataka.
10. The Principal Secretary, Animal Husbandry and Fisheries Department, Government of Karnataka, Vikasa Soudha, Bangalore.



11. The Project Director, Bhabha Atomic Research Centre, Post Box No.1, Yelwal, Mysore – 571 130.
12. The Group Head, Construction and Maintenance, ISRO Satellite Centre, Dept. of Space, Government of India, Post Box No.1795, Airport Road, Vimanapura Post, Bangalore – 560 017.
13. The Director, Aeronautical Development Establishment, Defence Research Development Organisation, Ministry of Defence, C.V.Raman Nagar, Vimanapura Post, Bangalore – 560 017.
14. The Director, Indian Institute of Science, Talent Development Centre, Khudapura Village, Nayakanhatti Hogli, Chelakere Taluk, Chitradurga District.
15. The Managing Director, Sagitaur Ventures India Pvt. Ltd., Velankani Campus, Building 1, South Wing, Ground Floor, 43, Electronic City Phase II, Housr Road, Bangalore – 560 100.
16. The Managing Director, Karnataka Udygo Mitra, 40, 3<sup>rd</sup> Floor, East Block, Khanija Bhavan, Race Course Road, Bangalore – 560 011.
17. The Chairman, Karnataka Small Scale Industries Development Corporation Limited, Industrial Estate, Rajaji Nagar, West off Chord Road, Bangalore – 560 010
18. P.S. to Chief Secretary to Government of Karnataka, Vidhana Soudha, Bangalore.
19. Under Secretary to Government, Forest, Ecology & Environment Department, M.S. Building, Bangalore with a request to arrange to furnish parawise remarks and other relevant materials/records to the Government Advocate, Office of the Advocate General, High Court of Chennai, Tamilnadu for the preparation of draft replies/counter and also for the conduct of the case and to follow up.
20. Guard File / Spare Copies.