

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

Application No. 6 and 12 of 2013

In the matters of

1. Leo F Saldhana

(Application No.6 of 2013)

2. Environment Support Group

(Application No.12 of 2013)

Versus

Union of India

Rep. by its Secretary to Government

MoEF and Others

COMMON COUNTER AFFIDAVIT OF 8<sup>TH</sup> RESPONDENT

I, N.M.Nagaraja, Son of Muniyappa, aged about 38 years, working as Assistant Commissioner, Chitradurga Sub Division, Chitradurga District, Karnataka State, having temporarily come down to Chennai do hereby solemy and sincerely state as follows;

1. I state that I am authorized to swear this affidavit and as such I am well versed with the facts of the case.

2. I state that I have gone through the averments contained in the affidavit filed by the Petitioner



and I deny all the averments except those that are specifically admitted herein.

3. It is respectfully submitted that the reservation of 901.00 acres towards aforestation as compensatory land for upper bhadra project also supplements green belt in the surrounding area combined with further 1000.0 acres of land available for grazing purposes.

4. It is respectfully submitted that as per the records maintained, the land in question does not come under the Forest Department and they are purely Government kharab lands.

5. It is respectfully submitted that no further allotments or diversion of lands will be made henceforth.

6. It is respectfully submitted that averments stated in Para No. 1 & 2 are not Applicable to this Respondent.

7. It is respectfully submitted that averments stated in Para No. 3 is true and the same is denied.

8. It is respectfully submitted that averments stated in Para No. 4 is not in dispute that the lands in question were basically Amruth Mahal Kaval lands which were reserved for breeding Amruth Mahal Cattle  
Department Mr. William cattle have not



As per the letter dated 28.02.2008 issued by the Deputy Director, Animal husbandry and veterinary services, Chitradurga and it reveals that 823 cattle pertaining to sheep breeding centre were existing and they required about 177 acres of land for grazing.

The said lands were not used for several years and were left unused for the purpose for which it was reserved. Therefore the state government considering the request made by institutions of the central government and State Government had passed impugned orders granting the lands to various institutions in accordance with law. The said grant will no way affect the rights of the petitioner.

9. It is respectfully submitted that averments stated in Para No.5 is as admitted by the petitioner these Amruth Mahal Kavals were protected originally for the grazing of the special breed of Amruth Mahal cattle. It is respectfully submitted that it is not in dispute that the lands in question were basically Amruth Mahal Kaval lands which were reserved for breeding Amruth Mahal cattle. The village cattle were not allowed to grazing purpose in the aforesaid lands. As per the letter dated 28.02.2008 issued by the Deputy director, Animal husbandry and veterinary services, Chitradurga and it reveals that 823 cattle pertaining to sheep breeding centre were existing and they require 177 acres of land for grazing.

10. It is respectfully submitted that averments stated in Para No. 6 is not applicable to this respondent.



11. It is respectfully submitted that averments stated in Para No. 7 is the contention of the applicant that an approximately 10000 acres of amruth mahal kaval in Challakere taluk of Chitradurga district of Karnataka designated as "District Forest" is not true. As per the Mysore gazetteer compiled for government of Karnataka in volume 2 published in 1897 Annexure (1) at page no 496 where in specifically classified total extent of reserved forest in the district such as the reserved state forest or Jogimatti 7 and half square miles and Neerthadi gudda 5 and half miles and also there are three forest plantations covering 92 acres and 9 revenue plantations covering 251 acres and 820 acres groves are topes 798 villages planted with 25,097 trees avenues have also been planted on both sides of 417 miles of road. Hence, the contention of applicant is incorrect. Apart from above gazetteer compilation as per the survey records stands as on today as per survey records it is designated as "Government Kharab Land." (Annexure-2) and also per the revenue records stands "Sarkari Amruth Mahal Kaval" (Annexure 3). As such the said land is not a district forest as contended.

12. It is respectfully submitted that averments stated in Para No. 8 is as admitted by the petitioner in para 7 about 12000 acres were transferred in 1971 to the custody of the Karnataka sheep and Wool Development Corporation of the Department of Animal Husbandry department. It is not in dispute that the lands in question were basically Amruth Mahal kaval lands which were reserved for breeding Amruth Mahal cattle by veterinary department. The village cattle



were not allowed to grazing purpose in the aforesaid lands.

13. It is respectfully submitted that averments stated in Para No.9 is not true and the same is denied.

14. It is respectfully submitted that averments stated in Para No.10 and 11 are the replies furnished in Para 6 and 8 holds good.

15. It is respectfully submitted that averments stated in Para No. 12,13,14,15 &16 are not Applicable to this respondent.

16. It is respectfully submitted that averments stated in Para No.17 is the fact that on the basis of the writ petition no.17954/1997 dated 20.03.2001 the Government of Karnataka has issued circular No: Pa Sam Mee 7/ Aa bhu: 2001 dt: 28.02.2004 directed to treat the Amruth Mahal Kaval as gomala land. The Government of Karnataka having realized that Chitradurga District Continued to remain a backward region because of perpetual neglect, frequent drought resolved to reform the district in to a developing science city. With that vision it succeeded in bringing major academic and Research and Developments institutions of the country together to establish their campus in the challakere taluk and also allotted lands to IISc, DRDO, ISRO, BARC for the following facts. That the out of the lands in



and Varavu kaval are becharak villages (un inhabited) and no public cattle were allowed to graze and as per the report of Deputy Director, Animal husbandry and veterinary department Chitradurga dated: 28.02.2008 only 177.23 acres of land is required for grazing of 823 cattle.

17. It is respectfully submitted that averments stated in Para No. 19 is the contention of the applicant that an approximately 10000 acres of amruth mahal kaval in Challakere taluk of Chitradurga district of Karnataka designated as "District Forest" is not true. As per the Mysore gazetteer compiled for government of Karnataka in volume 2 published in 1897 Annexure (1) at page no 496 where in specifically classified total extent of reserve forest in the district such as the reserved state forest or Jogimatti 7 and half square miles and Neerthadi gudda 5 and half square miles and also there are three forest plantations covering 92 acres and 9 revenue plantations covering 251 acres and 820 acres groves are topes 798 villages planted with 25,097 trees avenues have also been planted on both sides of 417 miles of road. Hence, the contention of applicant is incorrect. Apart from above gazetteer compilation as per the survey records stands as on today as per survey records it is designated as "Government Kharab Land." (Annexure-2) and also per the revenue records stands "Sarkari Amruth Mahal Kaval" (Annexure 3). As such the said land is not a district forest as contended.



18. It is respectfully submitted that averments stated in Para No. 20, 21, 22, 23, 24 & 25 are not Applicable to this respondent.

19. It is respectfully submitted that averments stated in Para No.26 is not true and the same is denied.

20. It is respectfully submitted that averments stated in Para No.28 is the contention of the applicant that an approximately 10000 amruth mahal kaval in Challakere taluk of Chitradurga district of Karnataka designated as "District Forest" is not true. As per the Mysore gazetteer compiled for government of Karnataka in volume 2 published in 1897 Annexure(1) at page no 496 where in specifically classified total extent of reserve forest in the district such as the reserved state forest or Jogimatti 7 and half square miles and Neerthadi gudda 5 and half square miles and also there are three forest plntations covering 92 acres and 9 revenue planatations covering 251 acres and 820 acres groves are topes 798 villages planted with 25,097 trees avenues have also been planted on both sides of 417 miles of road. Hence, the contention of applicant is incorrect. Apart from above gazetteer compilation as per the survey records stands as on today as per survey records it is designated as "Government Kharab Land." (Annexure-2) and also per the revenue records stands "Sarkari Amruth Mahal Kaval" (Annexure 3). As such the said land is not a district forest as contended.



21. It is respectfully submitted that averments stated in Para No.29 above Para holds good.
22. It is respectfully submitted that averments stated in Para No.30 & 31 are not Applicable to the respondent.
23. It is respectfully submitted that averments stated in Para No.32 Para 28 holds good.
24. It is respectfully submitted that averments stated in Para No.33,34,35,36 & 37 are not applicable to the respondent.
25. It is respectfully submitted that averments stated in Para No.38, this Respondent does not wish to comment.
26. It is respectfully submitted that averments stated in Para No.39, it is stated supra in para 17.
27. It is respectfully submitted that averments stated in Para No.40 is as furnished in the above paras the averments made in the para is not tenable.

It is therefore humbly prayed that this Hon'ble Tribunal may be pleased to dismiss the above



Hon'ble Tribunal may deem fit and proper in the interest of justice.

Solemnly affirmed at Chennai]  
this the 06<sup>th</sup> day of July ]  
2013 and signed his name in ]  
my presence. ]

BEFORE ME

ADVOCATE :: CHENNAI

#### VERIFICATION

I, N.M.Nagaraja, Son of Muniyappa, aged about 38 years, working as Assistant Commissioner, Chitradurga Sub Division, Chitradurga District, Karnataka State, having come temporarily to Chennai do hereby verify that the contents of Para 1 to Para 28 of the aforesaid affidavit are true and correct to the best of my knowledge and from the records available.

Dated at Chennai this the July, 2013

Deponent