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GOVERNMENT OF ANDHRA PRADESH
FOREST DEPARTMENT

Rc.No.ACF(Law)/96,
Dated: 4-10-1996.

Office of the Pri.Chief Conservator of Forests,
Aranya Bhavan, A.P., Hyderabad.

Sri M.Kamal Naidu, I.F.S.,
Pri.Chief Conservator of forests.

C I R C U L A R No.10/96

Sub:- High Court and Andhra Pradesh Administrative Tribunal – Preparation of
Counter Affidavits – formats furnished.

Ref:- G.P., High Court Lr.No.95/VTR/Forests, Endts.& Energy, dtd. 24-9-1996.

It is seen that in various cases before the High Court, as well as the A.P. Administrative Tribunal, the parawise remarks/counter affidavits are not prepared properly, thereby Government Pleaders are to spend lot of time in correcting the parawise remarks. With the increase in volume of work, the Government Pleaders are not able to approve the para-wise remarks at the earliest. To facilitate early approval of the parawise remarks, the following instructions are being issued along with formats of counter affidavit for guidance of the field officers.

HIGH COURT

1. The Format of counter-affidavit to be adopted is indicated in Annexure-I. The parawise remarks to the affidavits should be prepared in the format indicated.
2. If there are no remarks for a particular para in the affidavit it may be indicated in the draft counter affidavit being furnished to Government Pleader, but need not be typed on fair copy of the counter affidavit.
3. The draft and fair copies of the counter affidavits should be types in 1½ space in both sides of a paper sheet.
4. The enclosures, if any, should be indexed and the page numbers should be given to all such enclosures for easy reference during the course of arguments. All photo copies of the documents enclosed should be duly attested.
5. (6) sets of fair counter affidavits and enclosures, if any, should be furnished to Government Pleader, High Court.
6. In contempt cases, apart from the parawise remarks in the format, a Vakalat form duly signed by the Officer against whom the contempt is filed should be furnished with a demand draft for Rs.500/- in favour of Mr.V.Tulasi Reddy, Government Pleader, High Court and another draft for Rs.250/- in favour of Mr.B.Ram Reddy, should be furnished.
7. Whenever the counter affidavits are to be filed in cases questioning orders of the Conservator of Forests/Pri.Chief Conservator of Forests to Government, the parawise remarks should be approved by such authority, though the fair copies can be filed by Divisional Forest Officer concerned.
8. The fact of filing of counter affidavits in writ petitions/contempt cases etc., should be informed to Asst.Conservator of Forests (Law) O/o the Pri.Chief Conservator of Forests, without fail.

ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL

1. The format of counter-affidavit to be adopted is indicated in Annexure-II

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24-9-1996.

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3. The draft and fair copies of the counter affidavit should be typed in 1½ space on one side of a paper sheet.
4. The enclosures if any, should be innexed and page numbers should be given to all such enclosures for easy reference during the course of arguments. All photo copies of the documents enclosed should be duly attested.
5. (6) sets of fair counter affidavits and enclosures, if any, should be furnished to Government Pleader, A.P.A.T.
6. In contempt cases, apart from parawise remarks in the format, a vakalat form duly signed by the officer against whom the contempt is filed should be furnished with a demand draft for Rs.650/- in favour of Sri M.Padma Rao, Government Pleader.
7. When the orders of the Conservator of Forests/Prl.Chief Conservator of Forests/ Government are questioned in O.A., the parawise remarks should be approved by such authority, though the fair copies can be filed by the Divisional Forest Officer concerned.
8. If interim orders granted by the Tribunal are to be vacated, a vacate stay petition in format given in Annexure-III should be furnished along with copy of interim order and grounds for praying vacation of interim orders. Six sets of the above mentioned documents should be furnished to the Government Pleader, A.P.A.T.
9. When interim orders or stay orders are granted by the Tribunal, vacate stay petition should be filed after filing counter affidavit.
10. Generally, the interim orders or stay orders once granted are extended from time to time till it is vacated or O.A. is disposed off. No action should be initiated on expiry of stay or interim orders without specific order either from Tribunal or any intimation from the Government Pleader indicating the vacation or expiry of interim orders.
11. The fact of filing of counter affidavits in O.A./C.A./V.N.A. should be informed to Asst. Conservator of Forests (Law) O/o. the Prl.Chief Conservator of Forests, A.P. Hyderabad without fail.

GENERAL:

In High Court and A.P.A.T. cases for getting approval of parawise remarks, a responsible person, dealing with the subject may be sent to meet the Government Pleader, alongwith records.

Encl: Ann.I to III.

To
All Conservators of Forests.
All Divisional Forest Officers.

Sd/- M.Kamal Naidu,
Prl.Chief Conservator of Forests

// TRUE COPY //

(2) If there are no remarks for a particular para in the D.A., it may be indicated in the draft counter affidavit being furnished to the Govt. Pleader, but need not be typed on fair copy of the counter affidavit.

ANNEXURE - I

IN THE COURT OF HICATURE OF ANDHRA PRADESH AT HYDERABAD
W.P.No. _____ of 199

Between:

1. x x x x x x x x x x and others
and

Petitioners

1. Divisional Forest Officer etc.

Respondents

COUNTER AFFIDAVIT FILED BY THE RESPONDENT

I, _____ S/o. _____ aged about ()
years residing at _____ do hereby solemnly and sincerely affirm and
state as follows:

1. I am the Respondent No. () herein, and I am acquainted with the facts of the
cases.

2. I have gone through the contents of the affidavit filed by the petitioners, in
support of the Writ Petition, having understood the same and in reply thereto I submit as
follows:

3. I submit that all the averments, contentions and statements made by the
petitioner in support of the Writ Petition, except those which are specifically admitted
hereunder are untrue, untenable and unsustainable, the petitioner may be put to strict
proof of the same. The said allegations also do not disclose any valid or substantial
grounds for granting the reliefs as prayed for under Article 226 of Constitution of India.

4. Each and every paragraph should begin as follows:
" In reply to paragraph..... of the affidavit, I submit that",

5. (hereinafter the averments in each paragraph of the affidavit of the petitioners
has to be answered meticulously, whether the statement is correct or not and any
additional information required to be furnished may be stated as per the
requirement of the case.)

6. At the end of the counter affidavit in the prayer paragraph should be as follows:
"That there are no merits what-so-ever in the Writ Petition and the miscellaneous petition
and the same are liable to be dismissed with costs."

ATTESTOR

DEPONENT

(If there is an interim order/direction in the Writ Petition, there must be a prayers as
under:

" It is therefore prayed that this Hon'ble Court may be pleased to vacate the
interim stay/directions granted in W.P. M.P.No. /199 , in W.P. No. /199 , on
_____ in the interest of justice and equity and pass such order or orders as are
deemed fit and proper in the circumstances of the case.

(At the bottom of the counter affidavit on the left side the statement about the
administering of oath of the deponent shall be typed, which will be as follows:)

Solemnly and sincerely affirm

DEPONENT

This day of _____ 19
And signed his name in my presence.

BEFORE ME:

Between:

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ANNEXURE - II

IN THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL AT HYDERABAD

O.A. OF

Between:

1. x x x x x x x x x x

..... Applicant

and

1. Divisional Forest Officer,

..... Respondents.

2. Pri. Chief Conservator of Forests,
A.P., Hyderabad.

COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS:

I, _____ S/o _____ aged () years residing
at _____ do hereby solemnly and sincerely affirm and state as follows:

1. I am the Respondent No. () herein, and I am well acquainted with the facts of the case.
2. I submit that all the contentions and statements made by the applicant, except those which are specifically admitted herein, are not correct and untenable and the applicant may be put to strict proof of the same.
3. Each and every paragraph should begin as follows:
"In reply to paragraph _____ of affidavit, I submit that
All the averments in each paragraph should be answered.
4. At the end of the counter affidavit the prayer paragraph should be as follows:
"(i) In view of the above, there are no merits in O.A. and the same is to be dismissed with costs and the interim orders passed may kindly be vacated."
"(ii) Where there are no interim orders, and prayer should be as follows:
"In view of the above, there are no merits in the O.A. and the same is to be dismissed with costs."
5. At the bottom of the counter affidavit, on the left side of the last sheet, the following oath to be types.
"Solemnly and sincerely affirm
this on day of 19
and signed his name in my present.

BEFORE ME

ATTESTED

6. At the bottom of each sheet the deponent and attesteds should affix their signature, duly mentioning corrections, if any.

ANNEXURE - III

IN THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL: HYDERABAD.
(SEE ADHOC RULE 6)

V.M.A.No. _____ of 199

IN

O.A.No. _____ of 199

BETWEEN:

1. Divisional Forests Officer
AND

APPLICANT(S)

1. x x x x x x x x x x

RESPONDENT(S)

APPLICATION FILED UNDER ADHOC URLE OF THE A.P.A.T. ADHOC RULES

For the reasons stated in the accompanying/already filed counter affidavit, the Applicant(s) prays that the Hon'ble Tribunal may be pleased to vacate the Interim Order dated -199

In the above Original Application and order or order on the 1st