

Note on trespassing by Syed Javed.

1. Syed Javed and others had taken on lease 6 shops in the lower ground floor in the building known as 21<sup>st</sup> Century Complex at Nampally. They had voluntarily cancelled the lease and handed over possession of the shops in October 2001. A letter of confirmation handing over of possession has been give by the tenants to the landlords namely M.C. Modi Discretionary Trust.
2. Since then the property has been lying vacant and is in possession of M.C. Modi Discretionary Trust.
3. In April 2009 we were informed by the neighbours that Mr. Syed Javed had broken the locks and trespassed into our premises. A case has been filed in Chief Metropolitan Magistrate, Hyderabad by the owner against Syed Javed.
4. Now Syed Javed is claiming that he has valid lease agreement with Shri Satish Chandra Modi HUF from 16<sup>th</sup> October 2001 for 2 of the 6 shops which were earlier leased to him.
5. Satish Chandra Modi HUF has agreed to purchase the premises from M.C. Modi Discretionary Trust and intended to lease 2 of the 6 shops to Syed Javed and others. An agreement between Satish Chandra Modi HUF & Syed Javed and others was also executed. However, Satish Chandra Modi HUF did not conclude the deal with M.C. Modi Discretionary Trust and M.C. Modi Discretionary Trust continues to be owner of the premises trespassed by Syed Javed..
6. When Satish Chandra Modi HUF is not the owner of the property there is no question of a valid lease between Satish Chandra Modi HUF and Syed Javed and others for the trespassed premises. Besides Syed Javed has not paid a single rupee to either M.C. Modi Discretionary Trust or Satish Chandra Modi HUF either towards deposit or towards lease rent for the said shops. Further, the lease is not registered and the said lease also expired on 15<sup>th</sup> October 2004. Syed Javed has absolutely no proof of payment of any amount after October 2001 to either M.C. Modi Discretionary Trust or Satish Chandra Modi HUF.
7. This is clear case of trespassing by Syed Javed.
8. It has been learnt that Syed Javed trespassed into the premises to create nuisance and harm the business to his competitor Mr. M.A. Mannan who is the occupant of the shops besides the trespass viz premises. We have been given to understand that the rivalry between the 2 businessmen M.A Mannan and Syed Javed is from several years and they have filed several police compliant against each other on different occasions.

Date:

Place: