

**IN THE HIGH COURT OF JUDICATURE OF A.P: AT:
HYDERABAD.**

WP No. 22770 of 2011

Between:-

M/s. Vista Homes, A partnership firm by its Managing
Partner Sri Soham Modi, Having its office at 5-4-187/3&4,
Soham Mansion, M.G. Road, Secunderabad.

... Petitioner.

And

1. The Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner, Tank Bund, Hyderabad.
2. The Chief City Planner, Greater Hyderabad Municipal
Corporation, Hyderabad.
3. The Building Committee of Greater Hyderabad Municipal
Corporation, rep. by the Chief City Planner, GHMC, Hyderabad.

.. Respondents

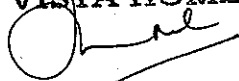
AFFIDAVIT FILED BY THE PETITIONER

I, Soham Modi, S/o. Satish Modi, aged 41 years, Managing Partner,
M/s. Vista Homes, 5-4-187/3&4, Soham Mansion, M.G. Road,
Secunderabad, do hereby solemnly and sincerely affirm and state as follows:

I am the Managing Partner of the Petitioner firm entitled to depose to
this affidavit on its behalf. I know the facts of the case.

1] I submit that, we have filed the above W.P. for seeking issuance
Mandamus declaring the action of the respondents particularly the action of
the 3rd respondent in returning building plan proposals with present File No.
36678/11/10/2010 with its earlier file Lr.No. 0461/CSC/TP01/EZ/2010, dt.
01-07-2010 and Lr.No. 0617/CSC/TP-1/EZ/2009, dt. 29-07-2009 submitted
by the petitioner vide its decision dated 17-06-2011 as communicated by the

For VISTA HOMES



Partner

2nd respondent vide letter No. 36678/11/10/2010/2378 dated 16/27-07-2011 as illegal arbitrary, absurd, unjust, malafide and against the constitutional guarantees and the principles of Natural Justice and to consequently direct the respondents to approve the building plan application of the petitioner with present File No. 36678/11/10/2010 with its earlier file Lr. No. 0461/CSC/TP01/EZ/2010, dt.01-07-2010 and Lr. No. 0617/CSC/TP-1/EZ/2009, dt. 29-07-2009 forthwith.

2] I submit that the above Writ petition was disposed of this Hon'ble court on 18-08-2011 by giving permission to us to resubmit our application complying the conditions No.1 and 2 and directing the respondents to take decision in accordance with law on such receipt of application within one month. The copy of the said order is herewith filed.

3] I further submit that, in the above Writ petition our contention was that providing [9] meters of wide through public access road on the periphery is absurd and further the respondents cannot insist for No objection certificate from the revenue department. When the matter come up for hearing, during the course of arguments, it was found that the requirement of providing of a through public access road of 9 meters width with two lane black top on any one side of periphery was misunderstood by us to the effect that the such road is required to be through out the periphery. But when the matter was actually argued by both parties before this Hon'ble court, it was very much found that the intention of providing such condition in the rule 10.7 [c] in G. O. Ms. No.86 MA dt. 3-3-2006 is only to provide through public access road at any point of periphery and that such through road has to be shown opening outside periphery. It was

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contended by us that the land where we proposed to make the construction is locked on all three sides by the Government open land without any construction there or without any road. As such we contended that it is not possible to show such periphery road. But as stated above, it was only during the course of arguments it was found by both parties that it would be enough to show such periphery road at the end of any point of the periphery but not through out the periphery. The same was concurred even by the Municipal standing counsel as well as this Hon'ble court. Accordingly, we submitted our revised plan complying with all the other requirements to the respondent. However they did not dispose of our application within one month from the date of receipt of the order and they dodged the same on several pretexts. As stated above, in the beginning we showed one through access road from the existing access of our land to the another point of the periphery. When we submitted our plan it was stated that the said point is not opening into the open land since an encroacher made a construction at that point. As such we again filed another revised plan showing the through access road opening into the open land beyond our periphery opening into the Government land where there are no constructions. Thus we have very much complied with the requirement of providing through access road. But now, quite surprisingly, the respondents are stating that we have to show such through access road all through the periphery on our land which is absurd. We also brought to their notice that it was the observation of this Hon'ble court during the course of arguments that it would be enough to show such through public access road from the existing access point to other point but not throughout periphery. But the respondents are not prepared to accept the same stating that such observation is not there in the

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Partner

the condition in such a manner and accordingly we stated that we would provide such through access road. But now the respondents are coming up with absurd requirement showing the access road throughout periphery simply because that particular point is not clarified in the order of this court.

Under the above stated circumstances I pray this Hon'ble court to the matter to be posted under caption "for being mentioned" and to clarify the earlier order of this Hon'ble Court dated 18-08-2011 in the above Writ Petition No. 22770 of 2011 pertaining to the requirement of providing "through public access road" under rule 10.5 © in G.O.Ms.No. 86 MA dated 03-03-2006 and to pass such other and further orders as deemed fit.

For VISTA HOMES


Deponent. Partner

Sworn and signed before me on this
the day of November, 2011 at Hyderabad.

Advocate/Hyderabad


VERIFICATION STATEMENT

I, Soham Modi, S/o. Satish Modi, aged 41 years, Managing Partner, M/s. Vista Homes, 5-4-187/3&4, Soham Mansion, M.G. Road, Secunderabad, do hereby that the information mentioned in the above paras 1 to 3 are true and correct to the best of my knowledge and belief to be on legal advise and the same is believed to be true and correct.

Verified on this the 23rd day of November, 2011, at Hyderabad

Advocate

For VISTA HOMES


Deponent Partner