

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the Chief City Planner,  
Town Planning Section, (HO), GHMC,  
Tank Bund Road, Hyderabad.

Lr.No. <sup>EZ</sup> 0617/CSC/TP01/2009.

Dated: 29/7/2009.

To,

Sri/Smt. Vista Homes

H.No-5-4-187/334 2nd Floor

M.G. Road

Sec bad

Pin 500003

Phone No. 66335551

Sri/Madam,

Sub:- GHMC - TP Section - HO - Proposed Construction of

Vista Homes S.no 193, 194, 195

Kushniguda(V) Kapra cascade R.R.

cellar + Stilt + 5 floors

Ref:- Your Building Application dated: 29/7/09

\*\*\*

With reference to your Building Application Cited, it is to inform that the plans submitted by you are under examination. Hence, you are directed not to proceed with any type of Construction at site till you obtain permission from GHMC, if an construction is made, it will be treated as un-authorized construction and action will be initiated as per rules.

Your faithfully,

(Signature)  
29/7/09

for Chief City Planner,

GHMC.

Received by:

(Signature)

Name & Address: M. Math Reddy

H.No-5-4-187/334 2nd Floor

M.G. Road

Sec bad - 500003



Receipt No. రసీదు నెం.  
 Date తేదీ

[Empty box for Receipt No. and Date]

Counter  
 Shift  
 Center Code

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Payee Details చెల్లింపుదారు వివరములు

043161

Name & Address పేరు & చిరునామ

01  
 29-JUL-09  
 VISTA HOMES&SRI.N.KIRAN KUMAR  
 01  
 MCH HEAD OFFICE  
 Reference No./File No.

Purpose of Payment చెల్లింపు కారణము

Plot No. SY.NO.193TO195  
 BUILDING PERMIT FEES, ABOVE 750 SQ.MTS OF PLOT AREA TOWAF  
 TOWN PLANNING, RESIDENTIAL  
 0000617/CSC/TP01/2009

PAY MODE	Chq./D.D. Chln Date	Bank Name	Branch Name	Rs.	Amount	Ps.
DD	150247 29-JUL-09	HDFC BANK	OTHERS	24320		
Total Amount Paid				24320		

In Words Rs.:

Twenty-Four Thousand Three Hundred Twenty Only

*Cgk*  
 29/7/09  
 Signature

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the Chief City Planner,  
Town Planning Section, H.O. GHMC,  
Tankbund, Hyderabad.

Lr. No. 0617/CSC/TP-01/EZ/2009

12533

Dt: 26.10.2009.

27

To  
M/s. Vista Homes,  
Rep by its partner Sohan Modi,  
H. No. 5-4-187/384, II<sup>nd</sup> Floor,  
Sohan Mansion, M.G. Road,  
Secunderabad.

Sir/Madam,

Sub:- GHMC - T P S - HO - Proposals for the construction of residential building consisting with Cellar, Stilt + (5) Upper floors (A to G blocks) for residential flats, in Sy. No. 193 to 195, situated at Kapra (v), Keesara (m), GHMC - Refused - Regarding.

- Ref:- 1. Yours building application dt. 29.07.2009.  
2. T. O. Lr. No. 0617/CSC/TP-01/EZ/2009, dt. 29.07.2009.

\*\*\*

With reference to your Building application cited, it is to inform that the proposals submitted by you, for the construction of residential building consisting with Cellar, Stilt + (5) Upper floors (A to G blocks) for residential flats, in Sy. No. 193 to 195, situated at Kapra (v), Keesara (m), GHMC have been examined and the following points were observed.

1. The survey sketch plan along with boundaries and areas are not filed for verification.
2. The combined sketch plan showing the site of survey numbers with reference to the documents not filed for verification.
3. The site is located adjacent to the Nala passing through the proposed survey numbers 195 which it requires clearance from the S.E. Irrigation and Water Bodies and lakes, GHMC.
4. The existing roads position with connectivity and approaches are not indicated with reference to the ground position and approved layouts, if any indicating in comprehensive plan not filed for verification.
5. The uses mentioned for amenities block under the rules are not proposed which amounts to violation.
6. The comprehensive plan indicating the approved layouts / existing road pattern proposed roads with reference to the present master Plan indicating the site with survey numbers required for verification.
7. However as per land use certificate the site under reference falls in Sy. No. 195. which is earmarked as "Small minor part Water body (Nala) and also partly falls in open space zone, (Green belt), which amounts to violation.

In view of the above once gain the proposals are refused and the plans are returned un-approved without any sanction.

Yours faithfully,

  
for Chief City Planner  
GHMC.

26/10/09  
26/10/09

From:  
Vista Homes,  
5-4-187/3 & 4,  
II Floor, Soham Mansion,  
M.G.Road,  
Secunderabad – 500 003.

Dt.: 01.12.2009

To  
The Chief City Planner,  
Town Planning Section,  
Greater Hyderabad Municipal Corporation Head Office,  
Tankbund Road, Hyderabad.

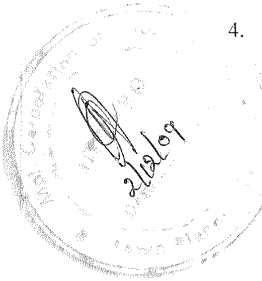
Dear Sir,

**Sub: Proposals for construction of residential building consisting with Cellar, Stilt + 5 upper floors (A to H blocks) for residential flats in Sy. Nos. 193, 194 & 195 Kapra Village, GHMC Kapra Circle, Keesara Mandal, Hyderabad, R. R. Dist.**

**Ref: Your letter No. 0617/CSC/TP-1/EZ/2009/2533 dated.27.10.2009**

In response to your above referred letter please find enclosed herewith our point wise reply and the requisite documents/papers/plans for your consideration.

1. Survey plan with contour levels along with boundaries and area of the land proposed for group housing is enclosed herein. The plan clearly shows the existing nala.
2. The combined site plan showing the survey numbers with reference to the sale deeds is enclosed herein.
3. The survey plan enclosed herein clearly shows the position of nala with reference to our site. The nala does not pass through survey no. 195. As such there is no requirement to obtain an NOC or clearance from any department including the Irrigation Department. However, we had on an earlier date obtained a clearance from the Irrigation and CAD Department stating that "... there is no water body existing in the site i.e., in survey nos. 193, 194 and 195 of Kapra Village...", a copy of which is enclosed herein.
4. You have requested for a comprehensive plan showing position of roads, connectivity, approaches, approved layouts, etc., in the vicinity of our site. Please note that preparation of a comprehensive plan of such an nature is beyond our capability. Only government agencies have the necessary capability and authority to prepare such a comprehensive plan. However, based on the HUDA master plan, local area maps and satellite image from Google Earth, a plan showing the roads and development around our site is enclosed herein. We are not aware of other HUDA approved layouts in the vicinity of our land, as such records are not available with us. However, we have learnt that a HUDA approved layout ahead of our site with the same approach road known Vasavi Shiva Nagar has been developed several years ago.
5. The amenities block plan with the necessary corrections is enclosed herewith.
6. The reply to your request for a comprehensive plan in given in point 4 above.
7. At the time of making an application for building construction, we had submitted a land use certificate from HUDA dated 14.5.2008, bearing no. 5849-LU/P5/HUDA/2008, wherein the land use in survey no. 194 & 194 has been shown as residential and land use for survey no. 195 it is shown as "residential zone (major part) and open space zone (i.e., green belt) small minor part, water body (i.e., nala) touching at one corner". The said land use certificate is ambiguous by stating that water body instead of a nala is touching one



corner of survey no. 195. On learning about your objection to the said certificate, we have approached HMDA for clarification/ correction of the ambiguous wording. A fresh Land Use Certificate bearing letter No. 010472-LU/P5/HMDA/2009 dated 22.10.2009 issued by HMDA clearly stating that survey no. 195 is "Major part residential zone, very minor part open space zone (i.e., green belt of Nala) at one corner". A copy of the certificate is enclosed herein.

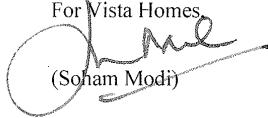
With reference to the nala passing along the south side of our land, please note the following:

- a. The nala is clearly marked in the new master plan and as such there is no water body in the vicinity of our site.
- b. In the said master plan, it can be seen that it is not passing through our site and is only touching one corner of survey no. 195.
- c. In the old master plan survey nos. 193, 194 & 195 were marked as conservation use. We had approached HUDA for change of land use and were informed that among other documents, a clearance from the irrigation department would help in expediting our request for change of land use to residential zone. Accordingly we approached the Irrigation Department and obtained the said clearance (point 3 above). However, by the time we approached HUDA we were informed that our site is already proposed as residential use in the new master plan and no application for change of land use was required. In April 2008, the new master plan was notified and our site has been earmarked for residential use.
- d. In the new master plan the green belt on either side of the master plan is shown as 6 mtrs. It can clearly be seen from the master plan that the existing nala is much smaller than the green belt shown around it. Please find enclosed photographs of the nala and the culvert on the nala clearly showing the nala width as about 10 feet at the culvert and 15 feet at other places. Further, the point nearest to the nala is the tip of survey no. 195 and is about 9 mtrs from the edge of the nala. At other points the boundary of our site is about 20 to 30 mtrs away from the nala.
- e. G.O. 86 dated 3.3.2006 clearly states the green belt required, which in our present case is 2 mtrs from the defined boundary of nala, as per clause 5(b)(iv).
- f. We have made a provision of 2 mtrs green belt on all sides of our site which meets requirements of provision of green belt as specified in G.O. No 86.
- g. As such our site is more than 9 mtrs from the boundary of the nala and is far beyond the 6 mtrs green belt proposed in the new master plan.
- h. In our proposed development constructions are atleast 9 mtrs away from the site boundaries. The proposed construction of block B is about 20 mtrs from the southern most tip of survey no. 195 which is the closest point to the nala. Therefore, no constructions are proposed close to the nala or green belt of the nala. As a matter of abundant caution you may earmark totlot no. 3 (215sq mtrs) as green belt which would meet all requirements of green belt around the nala. Please note that it does not effect the total requirement for provision of totlot.

In light of the above we request you to consider our application for the proposed group housing scheme favourably. Please write to us if any further clarifications or documents are required. Since there is no further technical matter involved, we request you to reconsider our original application for building permission.

Thank you.

Yours sincerely,  
For Vista Homes



(Soham Modi)

Encl: As above

**GREATER HYDERABAD MUNICIPAL CORPORATION**

Office of the Addl. Commissioner (P&P),  
Town Planning Section, (H.O.), GHMC,  
Tank Bund Road, Hyderabad.

Lr. No. 0617/CSC/TP-01/EZ/2009

1947

Date. 10.06.2010.

To  
M/s. Vista Homes,  
H. No. 5-4-187/3 & 4,  
II<sup>nd</sup> Floor, Sohan Mansion,  
M. G. Road, Secunderabad.

Sir/Madam,

Sub: GHMC - Town Planning Section - HO - Proposals for construction of residential building consisting with Cellar, Stilt + 5 upper floors (A to H) Blocks for residential flats in Sy.No. 193 & 195, Kapra - Regarding.

Ref: Your Building No. 0617/CSC/TP-1/EZ/2009, dated 29.07.2009.

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With reference to the above, the proposals submitted by you for proposed constructions of residential building consisting with Cellar, Stilt + 5 upper floors (A to H) Blocks for residential flats, in Sy. No. 193 & 195, Kapra have been examined and observed that the tot-lot shown in the proposed plans is in (11) bits & pieces, which defeat the very purpose of tot-lot, ~~which amounts to violation~~ *refused.*

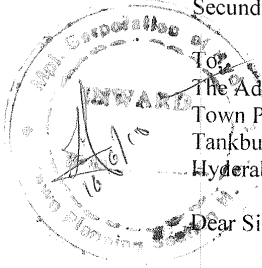
Hence, you are requested to submit the revised plans duly showing the organized tot-lot, so as to take further action in the matter.

Yours faithfully,

*K. Shankar Reddy*  
for Addl. Commissioner, (P&P),  
GHMC.

*10/6* *11/6/10*

From,  
Vista Homes,  
5-4-187/3&4,  
II Floor, Soham Mansion,  
M.G.Road,  
Secunderabad – 500003



To,  
The Additional Commissioner (P&P),  
Town Planning Section (H.O.), GHMC,  
Tankbund Road,  
Hyderabad.

Date: 16.06.2010

Dear Sir,

Sub.: Proposals for construction of residential building consisting with Cellar, stilt + 5 upper floors (A to H Blocks) for residential flat in Sy. Nos. 193, 194 & 195, Kapra Village, GHMC Kapra Circle, Keesara Mandal, Hyderabad, R.R. District.

Ref.: 1. Your letter No. 0617/CSC/TP-1/EZ/2009/2533 dated 27.01.2009.  
2. Your letter No. 0617/CSC/TP-01/EZ/2009/947 dated 11.06.2010.

In order to simplify the building rules a comprehensive set of rules was issued vide G.O. Ms. No. 86 dated 03.03.2006. The preamble of the said G.O. reads as:

*"2. It has been brought to the notice of the Government that the above building stipulations are cumbersome with too many parameters for regulating and controlling developments and building activities and there is a need for simplifying the building stipulations by stipulating minimal parameters. Further due to changes in building technologies, massive and rapid urbanization, escalating land prices, and certain shortcomings experienced relating to the existing building stipulations Government have decided to review the building stipulations and come out with comprehensive building rules thereby, making the building stipulations clear, easy to comprehend, user-friendly, promoting various types of development and building activities, besides giving design freedom and choice with optimum usage of land on one hand, and reducing the trend of violations and unauthorized constructions on the other, without compromising on the community good."*

Clearly the intention of the GO is to give freedom of design for optimum utilization of land to the builder. The freedom given to the builder/ architect is further reinforced in the clarification issued vide memo no. 6349/M1/2006-6 dated 5.9.2006 issued by the MA & UD Department, which reads as follows:

*"8. Under rule 21 (ii) only 4 parameters shall be considered for issue of an occupancy certificate. Does this mean that the builder / architect has the freedom to design the flats/ common areas of their choice and the same shall not affect the issue of occupancy certificate.*

*Clarification: Yes. Within the building it is for the builder/architect who has the freedom to designing the inside areas as per their choice, however, the issue of*

occupancy certificate would be considered only after the completion certificate is submitted jointly by the architect and licensed builder / developer in the given format.”

With reference to the provision of Tot-lots in a group housing scheme, the said G.O. states the following:

“10.7 (e) Minimum of 10 % of site area shall be earmarked for organised open space and be utilised as greenery, tot lot or soft landscaping, etc. and shall be provided over and above the mandatory open spaces. This space may be in one or more pockets”.

An amendment to the rule applicable to the high rise buildings was made vide G.O. no. 171 dated 19.4.2006. It reads as follows:

“9. Rule 9.9 (a) shall be read as follows:  
In every high rise building site, an organized open space shall be utilized as greenery, tot-lot or soft landscaping, etc. shall be provided over and above the mandatory open spaces to be left in and around the building. This space shall be at least 10% of total site area and shall be of a minimum width of 3 mtrs. This may be in one or more pockets”.

From the above rules it is clear that Tot-lots can be in one or more pockets and for high rise buildings they should have a minimum width of 3 mtrs. There are no other restrictions on designed, location and the no. of Tot-lots.

In your letter given in Reference 2 above, it is stated that “ *the Tot-lot shown in the proposed plans is in 11 bits and pieces, which defeat the very purpose of Tot-lot, amounts to violation*”.

When the builder has the freedom of design within the rules framed under G.O. 86 and that there is no rule or restriction placed on the no. of Tot-lots, your objection to our proposed plan is untenable and discriminatory.

In fact, on several occasions the sanctioning authorities have issued permits for building construction where Tot-lots have been provided in several bits and pieces! A small representative list of other group housing schemes sanctioned by the authorities showing Tot-lots ranging from 4 bits to 9 bits, along with a sketch of the approved plans is enclosed herein.

We have applied for building permission to GHMC on 29.07.2009. After due scrutiny vide letter given in reference 1 above, GHMC has objected to some violations in the amenities block and sought clarification with respect to the adjacent nala and approach roads/surrounding developments. It may be noted that no objections were made to any other aspect of design including the proposed Tot-lots in the said letter. Accordingly, the details sought for along with revised plans were re-submitted to GHMC on 02.12.2009.

Now after a period of more than 6 months we have received the letter mentioned in the reference 2 above. As per the rules framed under the Municipal Act intimation for





objections or refusal of permit along with relevant grounds for refusal must be made within 30 days of application.

However, in order to avoid unnecessary litigation and for speedy approval of plans for construction, we are hereby submitting a revised site plan wherein the 11 Tot-lots have been consolidated into 4 large Tot-lots as per your request. The other plans for the buildings, parking, amenities block, etc., remain unchanged.

We have addressed all objections / clarifications of GHMC given in reference 1 & 2 above. We request you to approve our application for building permission at the earliest. We urge you to process our application in the true spirit of GO no. 86.

Thank You.

Yours sincerely,  
For Vista Homes

A handwritten signature in black ink, appearing to read 'Soham Modi', written over a horizontal line.

Soham Modi  
Authorised Signatory.



హైదరాబాద్ సహస్రగరపాలక సంస్థ, పౌరసేవా కేంద్రము  
**GREATER HYDERABAD MUNICIPAL CORPORATION**  
 CITIZENS' SERVICE CENTER  
 Website: www.ghmc.gov.in , Toll Free Helpline : 1253, 155304



రసీదు  
**RECEIPT**

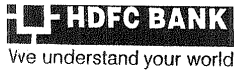
Receipt No. రసీదు నెం. \_\_\_\_\_ Counter \_\_\_\_\_  
 Date తేదీ \_\_\_\_\_ Shift \_\_\_\_\_  
 Center Code \_\_\_\_\_

Payee Details చెల్లింపుదారు వివరములు **0068677**  
 Name & Address పేరు & చిరునామ  
 01/ 01-JUL-10 01  
 MCH HEAD OFFICE  
 VISTA HOMES & OTHERS Reference No./File No. **0000461/CSC/TP01/2010**

Purpose of Payment చెల్లింపు కారణము  
 Plot No./ SY NOS193 TO 195  
 BUILDING PERMIT FEES, ABOVE 750 SQ.MTS OF PLOT AREA, TOWAR

PAY MODE	Chn Date	Chn Name	Branch Name	Rs.	Amount	Ps.
DD	156714 01-JUL-10	HDFC BANK	OTHERS	12000		
Total Amount Paid				12000		

Amt. in Words Rs.: Twelve Thousand Only  
 Signature \_\_\_\_\_



**MANAGER'S CHEQUE**  
 VALID FOR SIX MONTHS FROM THE DATE OF ISSUE

Re<sup>d</sup> No 104212083749  
 DATE 01/07/2010

**COMMISSIONER GHMC\*\*\***  
 PAY \_\_\_\_\_ OR ORDER

RUPEES **TWELVE THOUSAND ONLY**  
 Rs. **2,000 00**

HDFC BANK LTD.  
 HYDERABAD - SECUNDERABAD  
 SECUNDERABAD - 500 003

*Shubham B&B*  
*[Signature]*  
 AUTHORIZED SIGNATORIES

⑈ 156714 ⑈ 500240003⑈ 999991⑈ 12

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the Chief City Planner,  
Town Planning Section,(HO), GHMC,  
Tank Bund Road, Hyderabad.

<sup>EZ</sup>  
Lr.No.0461/CSC/TP01/2010.

Dated: 1-7-2010.

To,  
Sri/Smt. Vista Homes  
B-4-187/384 1st Floor  
echam Marvion  
M.G Road Secbad  
Pin 500003  
Phone No. 66335551

Sri/Madam,

Sub:- GHMC - TP Section - HO - Proposed Construction of

*residential Apts.*

S.No. 193, 194 & 195 Keerthi Villas  
Keerthi (Mandal) R.R (Dist)  
Basement & 1st & 2nd & 3rd & 4th & 5th Floor

Ref:- Your Building Application dated: 17/2010

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With reference to your Building Application Cited, it is to inform that the plans submitted by you are under examination. Hence, you are directed not to proceed with any type of Construction at site till you obtain permission from GHMC, if an construction is made, it will be treated as un-authorized construction and action will be initiated as per rules.

Your faithfully,

*CSC*  
*01/7/10*  
for Chief City Planner,

GHMC.

Received by:

(Signature)

*M. Malla Reddy*

Name & Address: M. Malla Reddy

H.No - 5-4-187/384 1st Floor

M.G Road

Sec bad - 500003

09/07/10

Dt.01.07.2010.

From:  
Vista Homes,  
5-4-187/3 &4, II Floor,  
Soham Mansion, M. G. Road,  
**Secunderabad – 500 003.**

✓  
APPROVED BY  
30 JUN 2010  
SOHAM MODI  
MANAGING DIRECTOR

To  
The Addl. Commissioner (P &P)  
Town Planning Section, H.O.,  
GHMC, Tank Bund Road,  
**Hyderabad.**

Dear Sir,

**Sub: Submission of revised site plan with necessary corrections of our group housing scheme in Sy. Nos. 193, 194 & 195 situated at Kapra Village, Keesara Mandal, GHMC Kapra Circle, Hyderabad, R. R. Dist.**

**Ref: Your letter No. 0617/CSC/TP-01/EZ/2009/ 947 dated 11.06.2010**

In response to your above referred letter please find enclosed herewith revised site plan duly showing tot-lots in an organized manner and the same is submitting to you as a new file.

Please note that the land documents are already cleared by the land section in the old file No. 00617/CSC/TP-01/EZ/2009.

We request you to process our file to building committee for approval at the earliest.

Thanking you,

Yours sincerely,  
**For Vista Homes,**

(Soham Modi)  
Managing Partner.

Encl: Site plan original

R. 12, 100/1 D.V.  
Soham Modi  
Managing Partner, Vista Homes

**GREATER HYDERABAD MUNICIPAL CORPORATION**

Office of the Chief City Planner,  
Town Planning Section, H.O., GHMC,  
Tank Bund Road, Hyderabad.

Lr. No. 461/CSC/TP1/EZ/2010

1685

Date. 07.09.2010.

To  
M/s. Vista Homes,  
Sy. No. 193 to 195,  
Kapra, Keesara (M),  
R. R. District.

Sir/Madam,

Sub: GHMC – Town Planning Section – HO - Proposals for the construction of Residential Building consisting of Stilt for parking + 5 upper floors (A to H Blocks) 8 blocks for residential flats, Sy. No. 193 to 195, Kapra, Keesara (M), R. R. District of GHMC area – Regarding.

Ref: 1. Your building application dt: 01.07.2010.  
2. T. O. Lr. No. 0461/CSC/TP1/EZ/2010, dated 01.07.2010.  
3. Minutes of the Building Committee Meeting held on 17.08.2010.

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With reference to the subjected cited, it is to inform that the proposals for the construction of Residential Building consisting of Stilt for parking + 5 upper floors (A to H Blocks) 8 blocks for residential flats, Sy. No. 193 to 195, Kapra, Keesara (M), R. R. District of GHMC area. The said proposals were placed before the Building Committee held on 17.08.2010 and Building Committee has examined the proposals and decided to return the plans for rectification of following defects;

1. As this in no minimum 40'-0" (12.0 mts) road approach from the main road it require R. D. Plan approved.
2. To provide separate tot-lot area other than mandatory setbacks.

Hence, the said proposal is hereby returned unapproved without sanction.

Yours faithfully,

*to - Ch. Anand Kumar - 7/9/10*  
for CHIEF CITY PLANNER,  
GHMC.

*Done  
7/9/10*

VSPL/GHMC/SWD/424/10-11/02  
1<sup>st</sup> November 2010

To

**The Executive Engineer**  
**Storm water Drainage-II**  
Greater Hyderabad Municipal Corporation  
Hyderabad.

**Sub : Engg- EE- SWD-II,GHMC – Proposal for construction of Residential building consisting of Stilt for parking + 5 upper floor (A to H Blocks) 8 blocks for residential flats, Sy.No:193 to 195, Kapra Keesara (M), R.R.Dist., of GHMC area - Verification of Nala in Respect of Nala Development Plan -Regd.**

**Ref : 1. Your Lr.No:EE/SWD-II/GHMC/2010-11-126, dated 25-10-2010**

Sir,

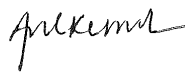
This is in reference with the letter and subject cited above. We have reviewed the plan enclosed showing the proposed location for construction of Building. It is observed that the said location falls between chainage +3800 m and +4100 of the Nala flowing from Kapra Chervu to Nagaram Chervu.

The Proposed section of drain in between the said chainages is 10.0 x 2.5m deep, designed to carry a discharge of 160 Cumes computed based on rainfall of 5 year return period. A clear width of 14.0 m is required to accommodate the drain including the Side walls in the above stretch.

This is for your Kind Information as requested.

Thanking You,

**For Voyants Solutions Pvt. Ltd**



**Anil Kumar**  
Manager  
Infrastructure Engineering Group



---

**Voyants Solutions Pvt. Ltd.**

C-011B, (First Floor), Supermart – I, DLF City Phase – IV, Gurgaon – 122 002, INDIA. Tel: +91-124-4598200, Fax: +91-124-4019051

E-mail: [info@voyants.in](mailto:info@voyants.in) Website: [www.voyants.in](http://www.voyants.in)

Bangalore .Bhopal .Chennai .Hyderabad .Kolkata .Mumbai

GREATER HYDERABAD MUNICIPAL CORPORATION

FROM:

The Executive Engineer,  
S. W. D. - II,  
GHMC

TO:

M/s. Voyants Solutions Pvt. Ltd.,

Lr. No: EE/SWD-II/GHMC/2010-11 - 126

Dt: 25.10.2010

Gentlemen,

26.

**Sub: Engg - EE., SWD-II, GHMC - Proposal for construction of Residential building consisting of Stilt for parking + 5 upper floors (A to H Blocks) 8 blocks for residential flats, Sy. No: 193 to 195, Kapra, Keesara (M), R.R. Dist., of GHMC area - Verification of Nala in respect of Nala Development Plan - Reg.**

The Building Committee has examined the proposal for construction of Residential Building consisting of Stilt for parking + 5 upper floors (A to H Blocks) 8 blocks for residential flats, Sy. No: 193 to 195, Kapra, Keesara (M), R.R. District of GHMC area and decided for Nala verification in respect of Nala Development Plan.

Therefore, the plan of the above proposed construction of building is herewith enclosed and requested for verification of Nala in respect of Nala Development Plan as per 5-year return period.

Yours sincerely,



EXECUTIVE ENGINEER,  
SWD - II, GHMC

25/10

Next to Lal Bazar  
3rd floor 303, Bhanubhai  
Anand, Hyd.

Mr. Anil Kumar - Engineer

9866231241

Mr. Anand - Proprietor

9885443924

GREATER HYDERABAD MUNICIPAL CORPORATION

Office of the Chief City Planner,  
Town Planning Section,(HO), GHMC,  
Tank Bund Road, Hyderabad.

Lr.No. 36678/11/01/10  
CSC/TP /2010.

Dated: 11 -10-2010.

To,  
Sri/Smt. M/S Vista Homes  
H.No- 5-4-187/334  
1<sup>st</sup> floor, Shoham mansion  
M.G. Road, sec bad  
Pin 500003  
Phone No. 66335551

Sri/Madam,

Sub:- GHMC – TP Section – HO – Proposed Construction of

S.No- 193, 194, 195, Kushiguda  
Rapra corral, cellar, Stilt & 5 Floors  
Keesara (model)

Ref:- Your Building Application dated: 11-10-2010

\*\*\*

With reference to your Building Application Cited, it is to inform that the plans submitted by you are under examination. Hence, you are directed not to proceed with any type of Construction at site till you obtain permission from GHMC, if an construction is made, it will be treated as un-authorized construction and action will be initiated as per rules.

Your faithfully,

CPS  
11/10/10  
for Chief City Planner,

GHMC.

Received by:

(Signature)

Name&Address: M. Malla Reddy

H.No- 5-4-187/334

1<sup>st</sup> floor, Shoham mansion

M.G. Road Sec bad

Pin- 500003 9948306865



[Back](#)[PrintReport](#)**GREATER HYDERABAD MUNICIPAL CORPORATION**

CITIZENS' SERVICE CENTER

Website:www.ghmc.gov.in, Toll Free Helpline:1253,155304

**CSC NO** : 36678/11/10/2010 HO.TPS.NANDA KISHORE B 11-October-2010  
**Name of the Applicant** : VISTA HOMES&SRI.N.KIRAN KUMAR  
**Address of the applicant** : H.NO.5-4-187/3&4,2ND FLOOR,SOHAM MENSION,M.G.ROAD,SECUNDERABAD.  
**Name & Designation of Officer concerned** : HO.TPS.NANDA KISHORE B  
**Officer Mobile No** : JR ASST  
**Service/Grievance Details** : BUILDING  
 APPLICATION-RES-BASEMENT,STILT+5FLOORS,SY.NO.193TO195,KAPRA,R.  
 R.DIST.  
 TOTAL PLOT AREA:22783SMT.  
**TIN NO** :  
**Title of Trade** :  
**Annual LIC Fee** :  
**Arrears** :  
**Compound Arrears Fee** :  
**FINES 2009-2010** :  
**Garbage Charges** :  
**Trade License N/R** :  
**Amount(Rs)** : 12000  
**Amount Details** : DD:460639,DT:11-10-2010  
 SBI-M.G.ROAD


 Signature of the CSC Executive

Note: Collect the order/intimation on 26-October-2010 at despatch center of Citizen Service Center

Enclosures :

- 1 Soft copy Of the proposed plan.
- 2 Building Plans (1+5) duly signed by Owner, Architect, Structural Engineer.

कम्प्यूटर द्वारा मुद्रित होने पर ही वैध  
VALID ONLY IF COMPUTER PRINTED

केवल छ: महीनों के लिये ही वैध  
VALID FOR SIX MONTHS ONLY

भारतीय स्टेट बैंक  
State Bank of India

₹. Rs. 50,000/- एवं अधिक के लिखत से अधिकारियों द्वारा प्रस्तावित होने  
INSTRUMENTS FOR RS. 50,000/- & ABOVE ARE NOT VALID UNLESS SIGNED BY 1

अहस्तांतरणीय / NOT TRANSFERABLE

बैंकर्स चेक  
BANKERS CHEQUE

दिनांक/DATE: 11/10/2010

Key: WIHGIZ

Sr. No: 981925

PAY COMMISSIONER GHMC \*\*\*\*\*

कै या उनके आदेश पर OR ORDER

रुपये  
RUPEES

ONE	TWO	ZERO	ZERO	ZERO
T'HTS	THDS	HUNDS	TENS	UNITS

PAISE ZERO ONLY

₹ Rs. 120000 ₹ Ps 00

अक्षा करें  
AMOUNT BELOW 12001(1/5)  
द्वारे भारतीय स्टेट बैंक  
FOR STATE BANK OF INDIA

जारी करने वाली शाखा  
Issuing Branch: M.G. ROAD ( SECUNDERABAD )  
कोड नं./Code No: 03032  
Tel No. 04000-275433

IOI 000087480639 Key: WIHGIZ Sr. No: 981925

प्राधिकृत हस्ताक्षरकर्ता / AUTHORISED SIGNATORY  
(हस्ताक्षर नमूना क्र० / S.S. NO.)

शाखा प्रबंधक / BRANCH MANAGER KALPA  
(हस्ताक्षर नमूना क्र० / S.S. NO. SBI-3032  
Phone: 040-275A

⑈ 460639 ⑈ 000002000⑈ 000087⑈ 17

d/c

From,  
Vista Homes,  
5-4-187/3&4,  
II Floor, Soham Mansion,  
M.G.Road,  
Secunderabad – 500003

To,  
The Additional Commissioner (P&P),  
Town Planning Section (H.O.), GHMC,  
Tankbund Road,  
Hyderabad.

Date: 07.10.2010

Dear Sir,

Sub.: Proposals for construction of residential building consisting with Cellar, stilt + 5 upper floors (A to H Blocks) for residential flat in Sy. Nos. 193, 194 & 195, Kapra Village, GHMC Kapra Circle, Keesara Mandal, Hyderabad, R.R. District.

Ref.: Your letter No. 461/CSC/TP-1/EZ/2010/1685 dated 7.09.2010.

Please find enclosed revised plans for the proposed construction suitably modified as requested in the above referred letter and as per the discussions held with the Members of the Building Committee with our representative Mr. Dattatreya Rao held on 17.08.2010. The tet lots have been suitably modified as per suggestions of the Building Committee.

A plan showing a schematic representation of the approach roads to our premises is enclosed herein. One approach road through a HUDA approved layout known as Vasavi Shiva Nagar (HUDA file no. 11060/91- layout copy enclosed) of 40 ft is already existing. The said HUDA layout has an internal road of 60 ft and is connected by a proposed HUDA master plan road of about 100 ft. Another approach road from the main road is partially encroached by illegal constructions but still having a minimum width of 30 ft.

Thank You.

Yours sincerely,  
For Vista Homes



Soham Modi  
Authorised Signatory.

DRAFT



**GREATER HYDERABAD MUNICIPAL CORPORATION**

Office of the Chief City Planner,  
Town Planning Section, H.O., GHMC,  
Tank Bund Road, Hyderabad.

Lr. No. 36678/11/10/ 2010

Date. 16.07.2011.

To  
M/s.Vista Homes,  
Sy.No.193 to 195,  
Kapra, Keesara (M),  
R.R.Dist.

Sir/Madam,

Sub: GHMC - Town Planning Section - HO - Proposals for the construction of Residential Apartment Building consisting of 'A-block to H-blocks' with Cellar, Stilt for parking + (5) upper floors, in Sy.No.193 to 195, situated at Kapra, Keesara (M), R.R.District of GHMC area - Regarding.

- Ref: 1. Your building application dt: 11.10. 2010.  
2. T. O. Lr. No. 36678/11/10/ 2010, dated 11.10. 2010.  
3. Minutes of the Building Committee Meeting held on 17.06.2011.

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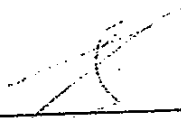
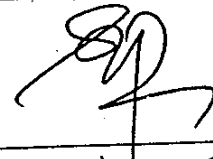
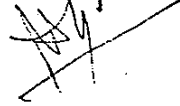
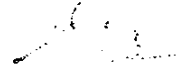
With reference to the subject and references cited, it is to inform that the proposals for the construction of Residential Apartment Building consisting of 'A-block to H-blocks' with Cellar, Stilt for parking + (5) upper floors, in Sy.No.193 to 195, situated at Kapra, Keesara (M), R.R.District of GHMC area has been examined and placed before the Building Committee meeting held on 17.06.2011 and the Building Committee examined the proposals and observed as follows:

As per the Rule-10.7C a through access of 9.0 mts. width to be developed on any one side at the periphery for the convenience of accessibility of other sides and land located in teh interior. By the analysis of O.S.R.T. photographs it is observed that there is a requirement of connectivity to rear side lands. Hence, Committee has desired to call for revised plan showing provision of 9.0 mts. wide peripheral road. Further, you should submit to ~~the~~ detailed plan showing the nala position and in view of the site surrendered by Govt. lands and Burrial ground 'NOC' from Revenue Authorities shall be obtained.

P.T.O

19

Members present in the Building Committee meeting  
held on 17.06.2011 at 11.00 A.M.

Sl. No.	Name & Designation	Signature
1	Dr. Sameer Sharma, IAS Commissioner, GHMC	
2	Sri G. Rajendra Prasad, IAS Addl. Commissioner (Plg), GHMC	
3	Sri Mohd. Abdur Raouf, C.P.O., HMDA	
4	Sri G.V. Raghu, Chief City Planner, GHMC	

MINUTES OF THE BUILDING COMMITTEE HELD ON 17.06.2011

Sl. No.	File Number	Name of the applicant and address	Proposals and Category	Area (Sq.mts)	S.O. ULC	J.C. HYDERABAD	HMDA Land Use	C.G.M., HMWS&SB	REMARKS
19	36678/11/10/ 2010	M/s.Vista Homes, Sy.No.193 to 195, Kapa, Keesara (M), R.R.Dist.	Cellar, Stilt + 5 upper floors (A to H blocks) for Residential	22763.00			Lr.No.10472-LU/P5/HMDA/09, dt:22.10.09		Earlier, the proposals were placed before B.C. meeting held on 17.8.2010 and the observations are as follows: 1. The RDP to be prepared for the main road. 2. To provide separate tot-lot area other than mandatory setbacks. 3. Nala to be verified with Engineering Section in respect of Nala development plan. Now, the applicants have submitted the revised plans for construction of Residential building consisting with Cellar, Stilt + 5 upper floors (A to H) Blocks for Residential Complex in Sy.No.193, 194 & 195, Kapa, Hyderabad in F.No.36678/11/10/2010 through letter that tot-lot have been suitably modified as per suggestions of the Building Committee. Further, the applicant has stated that there is an approach road known as Vasavi Shiva Nagar Layout (HUDA file No.11060/91) of 40' is already existing the said HUDA Layout has an internal road of 60' and it is connected by a proposed HUDA Master Plan road of 100 feet wide. Thereis another approach road from main road is partially encroached by illegal constructions. Finally requested the GHMC to consider the permission as earliest

MINUTES OF THE BUILDING COMMITTEE HELD ON 17.06.2011

Sl. No.	File Number	Name of the applicant and address	Proposals and Category	Area (Sq.mts)	S.O. ULC	J.C. HYDERABAD	HMDA Land Use	C.G.M., HMWS&SB	REMARKS
									<p>Accordingly, the B.C. has examined the proposals and observed as follows:</p> <p>As per the Rule-10.7C a through access of 9.0 mts. width to be developed on any one side at the periphery for the convenience of accessibility of other sides and land located in teh interior.</p> <p>By the analysis of O.S.R.T. photographs it is observed that there is a requirement of connectivity to rear side lands. Hence, Committee has desired to call for revised plan showing provision of 9.0 mts. wide peripheral road. Further, the applicant shall submit topodetailed plan showing the nala position and in view of the site surrendered by Govt. lands and burial ground 'NOC' from Revenue Authorities shall be obtained.</p> <p>The committee, thus proposed to return the plan for resubmission as above.</p>



Sri Mohd. Abdur Raouf  
Chief Planning Officer, HMDA



Sri G.V. Raghur,  
Chief City Planner, GHMC



Sri G.Rajendra Prasad, IAS  
Addl. Commissioner (Plg), GHMC



Dr. Sangeeta Sharma, I.A.S.  
Commissioner, GHMC

**THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
HYDERABAD**

W.P.NO.                      OF 2011

Between:

M/s Vista Homes, A Partnership firm Rep. 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. Chief City Planner,  
Greater Hyderabad Municipal Corporation,
3. The Building Committee of Greater Hyderabad  
Municipal Corporation rep. by the Chief City Planner,  
GHMC, Hyderabad.

**AFFIDAVIT FILED ON BEHALF OF THE PETITIONER**

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

1. 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.
2. I submit that the petitioner firm is involved in construction and development activity such as developing the lands and constructing residential and commercial complexes and other allied activities.
3. I further submit that the petitioner firm is the owner and possessor of an extent of Ac. 5.25 guntas covered by Sy.Nos. 193 to 195 of Kapra Village, Kesera Mandal, Ranga Reddy District within the Municipal Corporation limits of

**For VISTA HOMES**

  
**Partner**




Hyderabad. We proposed to construct residential complexes in the said land in 8 blocks. Accordingly, we have submitted building permission proposals on 29-07-2009 to construct residential apartments consisting of basement, stilt + 5 upper floors in 8 blocks and one Amenities block along with the processing fee of Rs.24,320/- vide the file No.0617/CSC/TP-1/EZ/2009, dt.29-07-2009. Thereafter we received a letter from the 2<sup>nd</sup> respondent dt.27-10-2009 raising about 7 objections/observations mainly seeking survey sketch, combined sketch, the clearance from the SE, Irrigation & Water Bodies etc. We gave explanations to all such objections vide our letter dt. 2-12-2009 clearly giving explanation to each and every objection/observation raised by the 2<sup>nd</sup> respondent. We also requested the respondents to approve our proposals since all the technical matters have been very much complied with or explained. Though we have submitted such a letter complying with all the requirements raised by the 2<sup>nd</sup> respondent on 2-12-2009 itself to the above said letter, for about 6 months there was a total silence from the respondents in spite of our staff members and officers continuously pursuing the matter with the respondents. Ultimately, the respondent corporation vide its letter No. No.0617/CSC/TP-1/EZ/2009/947, dt. 11-06-2010 came up with a totally strange objections that the proposed totlot is in 11 bits and pieces and directed us to submit the revised plans showing an organized totlot. Accordingly within 4 days, vide our letter dt.16-6-2010 we explained the legal and technical situation pertaining to the totlots referring to the prescribed provisions of law which enable us to have the greenery and totlot places even in different pockets with a minimum width of 3 metres and further explaining that the proposed totlots confirm the legal and technical provisions. We also stated that in the earlier letter dt. 2-12-2009 this particular objection was not raised and that it is not at all justified to raise

**For VISTA HOMES**

  
**Partner**

objections that too even smaller ones one after the other in stead of taking all the objections at a time due to which valuable time is unnecessarily being spent resulting a very great hardship to our firm since the construction activity has to be completed in a given time frame to compete with the market requirements. At that juncture the respondent's Assistant City Planner by name Amrutha Kumar requested us to file a fresh and revised plans comprehensively so that without spending any further time the proposals could be placed before the building committee. Thus we were forced to submit such fresh revised and comprehensive plans after meeting and complying with all the objections, clarifications etc. raised by the respondents in different stages and again paid an amount of Rs.12,000/- towards the processing fee. Thereon the 2<sup>nd</sup> respondent changed the file number showing it as a fresh one assigning Lr. No. 0461/CSC/TP01/EZ/2010, dt. 1-07-2010 and vide letter dt. 1-07-2010 he directed us not to proceed with any construction since the building plans were being examined. Thereafter, there was a lull for about two months without any event or response from the respondents in spite of the persuasions by our staff as usual. Ultimately, we received the letter dt. 7-09-2010 from the 2<sup>nd</sup> respondent quite surprisingly stating that our proposals were returned for rectification of defects such as the 40 ft approach road requires approval and that separate totlot area is also to be provided. It is disgusting that objections are taken one after the other with very long time gaps due to which the project is being delayed which is not at all congenial for a competitive spirit of constructions in a rapidly changing and fluctuating market scenario which would ultimately spoil the image of the construction companies. In spite of this set back, we continued our efforts by once again submitting the revised plans vide our letter dt. 7-10-2010 and again paying Rs.12,000/- on which the 2<sup>nd</sup>

**For VISTA HOMES**

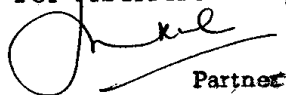
  
**Partner**

respondent again changed the file number as Lr. No. 36678/11/01/10, dt.11-10-2010. He addressed a letter dt. 11-10-2010 to us again directing us not to proceed with the construction as our plans were being examined. In fact there is no necessity to change the file number so often. It is obvious that if the same file number is continued it shows that the file is long pending one which could be objected by the inspecting authorities. To circumvent such a situation, the 2<sup>nd</sup> respondent changed the file numbers from time to time to show that it is a fresh one though in fact it has become an old one.

4. I further submit that we submitted our revised plans, as stated above as long back as on 7-10-2010 again complied with all the requirements'. But till today, there is an absolute silence from the respondents. By now a period of more than 8 months had elapsed after our resubmission of the application and there is absolutely no communication from the respondents as to the fate of our building plan proposals. As usual our staff members have been relentlessly roaming around the office of the respondents enquiring about the plans. That there is no response our staff members on several occasions, personally met the 2<sup>nd</sup> respondent herein as well as his subordinates in their Head Office at Tank Bund. They are not divulging any information and all most kept the file in a cold storage. It is highly unjust and inexplicable as to how the file could be kept pending without any event for more than 8 months in spite of the fact that the file started its move about 2 years back.

5. I further submit that being vexed with the in action of the respondents we filed W.P.No. 17146 of 2011 seeking issuance of writ of mandamus declaring the action of the respondents in keeping our building plan proposals pending right from 29-07-20009 without disposal taking objections one after the other with long gaps in stead of taking all the objections at a time

For VISTA HOMES |

  
Partner

and changing its file numbers from time to time and ultimately in keeping it in a cold storage from 7-10-2010 without any action on it till today as illegal, arbitrary, unjust, malafide and against the constitutional guarantees and to consequently direct the respondents to approve our building plan approvals with present File No. 36678/11/10/2010 with its earlier file Lr. No. 0461/CSC/TP01/EZ/2010, dt.1-07-2010 and Lr.No.0617/CSC/TP-1/EZ/2009, dt.29-07-2009 immediately. When the matter came up for hearing the respondents counsel submitted that the petitioner's application was placed before the building committee on 17-06-2011 and that it had 'proposed' to return the plans un approved and that such a decision was communicated to us. However, till today no such communication is there to us, but the respondents counsel submitted a copy of the decision of the building committee dated 17-06-2011 along with the covering letter addressed to us dated 16/27-07-201. A copy of the same was served by him on our counsel, then only we came to know about the decision of the building committee. This Hon'ble Court disposed off the writ petition leaving it open to us to challenge the order passed by the building committee dated 17-06-201. Thus the decision of the building committee came to our knowledge only when we filed the writ petition which it self shows the attitude of the respondents in disposing of the applications.

6. I further submit that the decision of the building committee dated 17-06-2011 as said to have been communicated to us on 17/26-07-2011 by the respondent corporation is bad and unsustainable on the following among other :

#### GROUNDS

(a) The building committee for the first time resorted to analysis of OSRT Photographs which has no legal support or sanctity to decide the application of the petitioner.

For VISTA HOMES  
  
Partner

(b) In any case the direction of the building committee to create 9 meters width thorough access on any one side of the periphery for the convenience of the accessibility of other sites and to the lands located in the interior is absurd and meaning less since even according to the observations of the building committee our land is surrounded by the Government Lands on all sides excepting the approach road already existing to reach the subject matter lands in which case there is absolutely no necessity to create a road on the other side of the periphery and it would always be the basic responsibility of the State to give access to the private lands through its own lands.

(c) The building committee ought to have seen that when the petitioner's land is surrounded on all sides by the Government Lands it is not possible for the petitioner to create another access through the Government Lands since the Government is not a private party.

(d) The building committee ought to have seen that already a topo detailed plan has been submitted with all details showing even the nala position also and that it is only a vexatious objection to again insist for the same.

(e) The building committee grossly erred in insisting on No Objection Certificate from the Revenue authorities on the ground that there is a nala and a burial ground around the petitioner's site since the said nala and burial ground are not alleged to have been disturbed or encroached by the petitioner and since it is very well beyond the petitioner's land in which

For VISTA HOMES



Partner

case there is no purpose of what so ever to insist for No Objection certificate from the Revenue authorities.

(f) The building committee could not have insisted for such NOC, since the same is illogical and meaningless.


On the said grounds and the other grounds that would be urged at the time of hearing the writ petition the order of returning the building plan application of the petitioner is illegal, arbitrary, unjust, vexatious, absurd and is unsustainable being violative of Constitutional Guarantees and the Principles of Natural Justice, Hence the petitioner is constrained to approach this Hon'ble Court.

7. In these circumstances, the petitioner has no other alternative or effective remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India.

8. It is submitted that the petitioner has not filed any writ or other proceedings prior to the present one on the cause of action in this writ petition in any court of law.

It is therefore, prayed that this Hon'ble Court may be pleased to issue writ or order or direction more particularly one in the nature of Writ of mandamus declaring the action of the respondents particularly the action of the 3<sup>rd</sup> 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. 1-07-2010 and Lr.No.0617/CSC/TP-1/EZ/2009, dt.29-07-2009 submitted by the petitioner vide

For VISTA HOMES

  
Partner

its decision dated 17-06-2011 as communicated by the 2<sup>nd</sup> 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. 1-07-2010 and Lr.No.0617/CSC/TP-1/EZ/2009, dt.29-07-2009 forthwith and to pass such other or further orders as deemed fit.

It is further prayed that this Hon'ble Court may be pleased to pass an interim order directing the respondents to approve the building plan approvals with present File No. 36678/11/10/2010 with its earlier file Lr. No. 0461/CSC/TP01/EZ/2010, dt. 1-07-2010 and Lr.No.0617/CSC/TP-1/EZ/2009, dt.29-07-2009 forthwith pending disposal of the above writ petition and to pass such other and further orders as deemed fit in the circumstances of the case.

Solemnly affirm and signed  
Before me on this the 8<sup>th</sup> day  
Of August' 2011 Hyderabad.

Advocate: Hyderabad

For VISTA HOMES

Deponent Partner

VERIFICATION

I, Soham Modi, S/o Satish Modi, aged about 41 years, Managing Partner, M/s Vista Homes, 5-4-187/3 & 4 Soham Mansion, M.G.Road, Secunderabad do hereby declares that the information mentioned in the above paras 1 to 9 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 8<sup>th</sup> day of August, 2011, at Hyderabad

Advocate.

Deponent

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF JULY  
TWO THOUSAND AND ELEVEN

PRESENT  
THE HON'BLE MS JUSTICE G.ROHINI

**WRIT PETITION No: 17146 of 2011**

Between:

M/s. Vista Homes, A Partnership Firm rep. 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 Chief City Planner, Greater Hyderabad Municipal Corporation, Tank  
Bund, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that  
in the circumstances stated in the Affidavit filed herein the High Court will  
be pleased to issue writ or order or direction more particularly one in the  
nature of writ of mandamus declaring the action of the respondents in  
keeping the building plan proposals pending right from 29.07.2009  
without disposal taking objections one after the other with long gaps in  
stead of taking all the objections at a time and changing its file numbers  
from time to time and ultimately in keeping it in a cold storage from  
07.10.2010 without any action on it till today as illegal, arbitrary, unjust,  
malafide and against the constitutional guarantees and to consequently  
direct the respondents to approve the building plan approvals 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 immediately.

**Counsel for the Petitioner: SRI.K.SARVA BHOUMA RAO**

**Counsel for the Respondents: SRI.C.DAMODAR REDDY (SC FOR  
MUNICIPALITY)**

**The Court made the following :ORDER**



THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.17146 OF 2011

ORDER:

Sri C.Damodar Reddy, the learned Standing Counsel for the Corporation on instructions stated that the petitioner's application for building construction was placed before the Building Committee meeting held on 17.06.2011 and after considering the same, it was proposed to return the plans unapproved for the reasons stated therein. It is also stated that the decision of the Building Committee has been communicated to the petitioner.

In the circumstances, no further enquiry is necessary and accordingly, the Writ Petition is disposed of leaving it open to the petitioner to challenge the order passed by the Building Committee dated 17.06.2011 if so advised, by availing the appropriate remedy available under law. No costs.

SD/- R.L.N. CHARYULU  
ASSISTANT REGISTRAR

// TRUE COPY //

  
SECTION OFFICER

To

1. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
2. The Chief City Planner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
3. Two CD copies.
4. One CC to Sri K. Sarva Bhouma Rao, Advocate (OPUC)
5. One CC to Sri C. Damodar Reddy, Advocate (OPUC) (SC for Municipality)

KDR *sol*

HIGH COURT

DATED: 28/07/2011

ORDER

WP No.17146 OF 2011

DISPOSING THE W.P.  
NO COSTS.

6 copy

SVL

3/8/11

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

THURSDAY , THE EIGHTEENTH DAY OF AUGUST  
TWO THOUSAND AND ELEVEN

:PRESENT:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 22770 of 2011

Between:

M/s.Vista Homes, A partnership firm rep.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,
3. The Building Committee of Greater Hyderabad Municipal Corporation,  
rep.by the Chief City Planner, GHMC, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the  
circumstances stated in the affidavit filed therewith, the Hon'ble High Court may  
be pleased to issue writ or order or direction more particularly one in the nature  
of writ of 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  
dated 1.7.2010 and Lr.No.0617/CSC/TP-1/EZ/2009 dated 29.7.2009 submitted  
by the petitioner vide its decision dated 17.6.2011 as communicated by the 2nd  
respondent vide letter No.36678/11/10/2010/2378 dated 16/27-7-2011 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 dated 1.7.2010 and Lr.No.0617/CSC/TP-  
1/EZ/2009 dated 29.7.2009 forthwith.

W.P.M.P.No.27838 of 2011 :

Petition under Section 151 of CPC praying that in the circumstances stated  
in the affidavit filed therewith, the High Court will be pleased to pass an interim  
order directing the respondents to approve the building plan approvals with  
present File No.36678/11/10/2010 with its earlier file  
Lr.No.0461/CSC/TP01/E2/2010 dated 01/07/2010 and Lr.No.0617/CSC/TP-  
1/E2/2009 dated 29/07/2009 forthwith, pending disposal of the above writ  
petition.

Counsel for the Petitioner :SRI. K.SARVA BHOUMA RAO

Counsel for the Respondents : SRI C.DAMODAR REDDY, SC FOR  
G.H.M.C

The Court made the following ORDER

ORDER:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.3 in returning proposals of the petitioner for approval of building plan, vide his letter No.36678/11/10/2010/2378, dated 16/27.07.2011, as illegal and arbitrary.

A perusal of the impugned letter would show that the building application filed by the petitioner for permission to construct A to H blocks with cellar and stilt for parking + five floors in Sy.Nos.193 to 195 of Kapra, Keesara Mandal, Ranga Reddy District, was returned <sup>for compliance</sup> with three conditions namely (1) that under Rule-10.7C a through access of 9 meters width is to be developed on one side at the periphery for the convenience of accessibility of other sides; that by the analysis of O.S.R.T photographs, it is observed that there is a requirement of connectivity to rear side lands and therefore, the committee has desired to call for a revised plan showing provision of 9 meters wide peripheral road; (2) that the petitioner should submit topo detailed plan showing the 'nala' position; and (3) that the petitioner shall obtain No Objection Certificate from the revenue authorities as the site is surrounded by the Government lands and burial ground.

Even though the petitioner has seriously questioned the wisdom of the respondents in stipulating condition No.1 supra relating to providing access of 9 meters wide road, it has eventually reconciled

itself having realized that the said condition is in conformity with Rule-10.7C of the extant rules.

At the hearing, Sri Sarvabhōma Rao, learned counsel for the petitioner, submitted that his client is willing to provide the access as stipulated in the first condition and that it will submit a revised plan. As regards the second condition, the learned counsel submitted that his client has no objection even for complying with the same by submitting a topo detailed plan showing the 'nala' position. Learned counsel, however, seriously questioned the third condition relating to submission of No Objection Certificate.

Learned Standing Counsel for the Greater Hyderabad Municipal Corporation, representing the respondents, is unable to place reliance on any provision under the Greater Hyderabad Municipal Corporation Act, 1955 or the Rules made thereunder stipulating production of such No Objection Certificate from the revenue authorities. As held by this Court in *Hyderabad Potteries Private Limited V. District Collector, Hyderabad*<sup>1</sup> and *K.Pavan Raj, V. Municipal Corporation of Hyderabad*<sup>2</sup> the respondents are only entitled to examine the *prima facie* title of the person who seeks building permission and that the applicants are under no obligation to produce such No Objection Certificate. In view of this settled legal position,

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<sup>1</sup> 2001(3) ALD 600

<sup>2</sup> 2008(1) ALD 792

the third condition relating to production of No Objection Certificate cannot be sustained and the same is accordingly set aside.

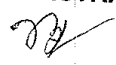
In the premises as above, the petitioner is permitted to resubmit its application by complying with condition Nos.1 and 2 supra, and within one month from the date of receipt of such application, the respondents shall take a decision in accordance with law and communicate the same to the petitioner.

With the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.27838 of 2011 filed by the petitioner for interim relief is disposed of as infructuous.

**SD/-S. SAMMAIAH CHARY**  
**ASSISTANT REGISTRAR**

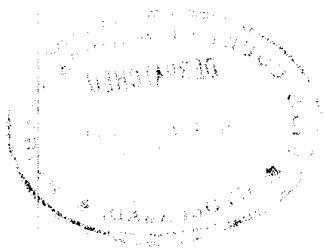
//TRUE COPY//

  
**SECTION OFFICER**

To

1. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad
2. The Chief City Planner, Greater Hyderabad Municipal Corporation,
3. The Chief City Planner, Building Committee of Greater Hyderabad Municipal Corporation, GHMC, Hyderabad.
4. Two CD Copies
5. One CC to SRI. K.SARVA BHOUMA RAO Advocate [OPUC]
6. One CC to Sri C.Damodar Reddy, SC for GHMC Advocate (OPUC)

Ks  

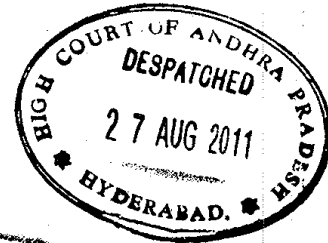



HIGH COURT

DATED:18/08/2011

ORDER

WP.No.22770 of 2011  
And  
W.P.M.P.NO.27838 OF 2011



Disposing of the W.P and the W.P.M.P  
As infructuous without costs.

7  
62  
27/8



o/c.

THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH  
HYDERABAD

W.P.NO. 17146 OF 2011

Between:

M/s Vista Homes,  
A Partnership firm Rep. 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. Chief City Planner,  
Greater Hyderabad Municipal Corporation,

AFFIDAVIT FILED ON BEHALF OF THE PETITIONER

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

1. 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.
2. I submit that the petitioner firm is involved in construction  
and development activity such as developing the lands and constructing  
residential and commercial complexes and other allied activities.

3. I further submit that the petitioner firm is the owner and possessor of an extent of Ac. 5.25 guntas covered by Sy.Nos. 193 to 195 of Kapra Village, Kesera Mandal, Ranga Reddy District within the Municipal Corporation limits of Hyderabad. We proposed to construct residential complexes in the said land in 8 blocks. Accordingly, we have submitted building permission proposals on 29-07-2009 to construct residential apartments consisting of basement, stilt + 5 upper floors in 8 blocks and one Amenities block along with the processing fee of Rs.24,320/- vide the file No.0617/CSC/TP-1/EZ/2009, dt.29-07-2009. Thereafter we received a letter from the 2<sup>nd</sup> respondent dt.27-10-2009 raising about 7 objections/observations mainly seeking survey sketch, combined sketch, the clearance from the SE, Irrigation & Water Bodies etc. We gave explanations to all such objections vide our letter dt. 2-12-2009 clearly giving explanation to each and every objection/observation raised by the 2<sup>nd</sup> respondent. We also requested the respondents to approve our proposals since all the technical matters have been very much complied with or explained. Though we have submitted such a letter complying with all the requirements raised by the 2<sup>nd</sup> respondent on 2-12-2009 itself to the above said letter, for about 6 months there was a total silence from the respondents in spite of our staff members and officers continuously pursuing the matter with the respondents. Ultimately, the respondent corporation vide its letter No. No.0617/CSC/TP-1/EZ/2009/947, dt. 11-06-2010 came up with a totally strange objections that the proposed totlot is in 11 bits and pieces and directed us to submit the revised plans showing an organized totlot. Accordingly within 4 days, vide our letter dt.16-6-2010 we explained the legal and technical situation pertaining to

the totlots referring to the prescribed provisions of law which enable us to have the greenery and totlot places even in different pockets with a minimum width of 3 metres and further explaining that the proposed totlots confirm the legal and technical provisions. We also stated that in the earlier letter dt. 2-12-2009 this particular objection was not raised and that it is not at all justified to raise objections that too even smaller ones one after the other in stead of taking all the objections at a time due to which valuable time is unnecessarily being spent resulting a very great hardship to our firm since the construction activity has to be completed in a given time frame to compete with the market requirements. At that juncture the respondent's Assistant City Planner by name Amrutha Kumar requested us to file a fresh and revised plans comprehensively so that without spending any further time the proposals could be placed before the building committee. Thus we were forced to submit such fresh revised and comprehensive plans after meeting and complying with all the objections, clarifications etc. raised by the respondents in different stages and again paid an amount of Rs.12,000/- towards the processing fee. Thereon the 2<sup>nd</sup> respondent changed the file number showing it as a fresh one assigning Lr. No. 0461/CSC/TP01/EZ/2010, dt. 1-07-2010 and vide letter dt. 1-07-2010 he directed us not to proceed with any construction since the building plans were being examined. Thereafter, there was a lull for about two months without any event or response from the respondents in spite of the persuasions by our staff as usual. Ultimately, we received the letter dt. 7-09-2010 from the 2<sup>nd</sup> respondent quite surprisingly stating that our proposals were returned for rectification of defects such as the 40 ft approach road requires approval

and that separate totlot area is also to be provided. It is disgusting that objections are taken one after the other with very long time gaps due to which the project is being delayed which is not at all congenial for a competitive spirit of constructions in a rapidly changing and fluctuating market scenario which would ultimately spoil the image of the construction companies. In spite of this set back, we continued our efforts by once again submitting the revised plans vide our letter dt. 7-10-2010 and again paying Rs.12,000/- on which the 2<sup>nd</sup> respondent again changed the file number as Lr. No. 36678/11/01/10, dt.11-10-2010. He addressed a letter dt. 11-10-2010 to us again directing us not to proceed with the construction as our plans were being examined. In fact there is no necessity to change the file number so often. It is obvious that if the same file number is continued it shows that the file is long pending one which could be objected by the inspecting authorities. To circumvent such a situation, the 2<sup>nd</sup> respondent changed the file numbers from time to time to show that it is a fresh one though in fact it has become an old one.

4. I further submit that we submitted our revised plans, as stated above as long back as on 7-10-2010 again complied with all the requirements'. But till today, there is an absolute silence from the respondents. By now a period of more than 8 months had elapsed after our resubmission of the application and there is absolutely no communication from the respondents as to the fate of our building plan proposals. As usual our staff members have been relentlessly roaming around the office of the respondents enquiring about the plans. That there is no response our staff members on several occasions, personally met the 2<sup>nd</sup> respondent herein as well as his subordinates in their Head

Office at Tank Bund. They are not divulging any information and all most kept the file in a cold storage. It is highly unjust and in expectable as to how the file could be kept pending without any event for more than 8 months in spite of the fact that the file started its move about 2 years back.\

5. I further submit that the proposals of any building plans have to be disposed of within 90 days as per the relevant provisions, But the same is given a go bye and our proposals are not disposed of even after lapse of about 2 years. Our firm has got a very good reputation in the public and it cannot afford to have its proposals kept pending for years together by the respondents in spite of complying with all the objections and meeting all the legal and technical requirements. The respondents have to take all the objections at a time and they cannot do it piece-meal one after the other with long intervals thus adopting delaying tactics the purpose of which one can easily understand. The respondents being responsible officers of the corporation cannot delay the discharge of their duties for such longer times putting public and firms like the petitioner to such hardship as such we are constrained to approach this Hon'ble Court as there is no other alternative.

6. In these circumstances, I have no other alternative or effective remedy except to approach this Hon'ble Court under Article 226 of the Constitution of India.

7. I submit that I have not filed any writ or other proceedings in this regard I any court of law.

8. It is therefore, prayed that this Hon'ble Court may be pleased to issue writ or order or direction more particularly one in the nature of Writ of mandamus declaring the action of the respondents in keeping our building plan proposals pending right from 29-07-2009 without disposal taking objections one after the other with long gaps in stead of taking all the objections at a time and changing its file numbers from time to time and ultimately in keeping it in a cold storage from 7-10-2010 without any action on it till today as illegal, arbitrary, unjust, malafide and against the constitutional guarantees and to consequently direct the respondents to approve our building plan approvals with present File No. 36678/11/10/2010 with its earlier file Lr. No. 0461/CSC/TP01/EZ/2010, dt. 1-07-2010 and Lr.No.0617/CSC/TP-1/EZ/2009, dt.29-07-2009 immediately and to pass such other or further orders as deemed fit.

9. It is further prayed that this Hon'ble Court may be pleased to pass an interim order directing the respondents to approve our building plan approvals with present File No. 36678/11/10/2010 with its earlier file Lr. No. 0461/CSC/TP01/EZ/2010, dt. 1-07-2010 and Lr.No.0617/CSC/TP-1/EZ/2009, dt.29-07-2009 immediately pending disposal of the above writ petition and to pass such other and further orders as deemed fit in the circumstances of the case.

Solemnly affirm and signed  
Before me on this the 20<sup>th</sup> day  
of June 2011 Hyderabad.

Deponent

Advocate : Hyderabad

ok  
**VISTA HOMES**

# 103, First Floor, Hariganga Complex, Ranigunj, Secunderabad - 500 003.  
Phone : +91-40-66335551, Fax :

Dt. 2<sup>nd</sup> September 2011.

To,  
The Commissioner,  
Greater Hyderabad Municipal Corporation,  
Tank band Road,  
Hyderabad.

**Sub :- Submission of Revised Site Plan by showing 9 meter Peripheral Road as per the order of the Honorable High Court of AP.**

**Ref :-** 1. File No. 0617 / CSC / TP-1 / EZ / 2009.  
2. File No. 0461 / CSC / TP-1 / EZ / 2010.  
3. Present File No. 36678 / 11 / 10 / 2010.  
4. Order in Writ Petition No. 22770 of 2011 Dt 18.08.2011 by the Hon'ble High Court of AP.

As per the direction of the Hon'ble High Court of Andhra Pradesh in the writ petition referred to above, please find enclosed the revised plan with the 9 meters peripheral access road marked out in the plan. Also find enclosed the detailed topo plan showing the Nala position.

During the course of arguments in the above said writ petition an oral observation was made by the court that we did not understand the correct sense of the rule 10.2C in G.O.Ms.No.86 MA dt.03.03.2006 and that is enough that a 9 mts width access road is provided at any point of the periphery of the proposed site. Accordingly, a revised site plan is herewith submitted providing such 9 mts width access road at one side on the periphery of the site, so as to enable reasonable access to the government lands adjacent to our site. The said plan was submitted in the Hon'ble High Court which was found to be satisfying the condition for providing the peripheral road. So far as NOC regarding the burial ground, the Hon'ble High Court held that such NOC cannot be insisted for. A copy of the judgment is herewith submitted for your ready reference and necessary action.

We request you to approve our plan for sanction at the earliest.

Thanking you,

Yours faithfully,  
For Vista Homes,



( Soham Modi )

**Encl :** 1. Revised Site Plan.  
2. Topo Plan.  
3. Copy of Order of Hon'ble High Court of AP.



Dt. 24<sup>th</sup> October 2011.

From:  
Vista Homes,  
5-4-187/3 & 4, II Floor,  
Soham Mansion, M. G. Road,  
Secunderabad – 500 003.

To,  
The Chief City Planner,  
Greater Hyderabad Municipal Corporation,  
Tank band Road,  
Hyderabad.

**Sub :- Reminder for taking immediate action in our building permission file.**

**Ref :- 1. File No. 36678 / 11 / 10 / 2010.  
2. Order in Writ Petition No. 22770 of 2011 Dt 18.08.2011 by the Hon'ble High Court of AP.  
3. Our letter dated 02.09.2011.**

As per the direction of the Hon'ble High Court of Andhra Pradesh in the writ petition referred to above, we have submitted revised site plan, topo plan and other information to you on 02.09.2011.

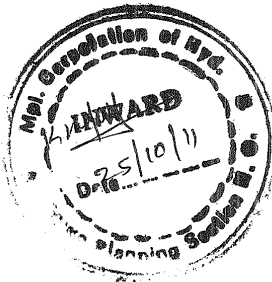
Our building permission plans for approval are pending with you. The Hon'ble High Court directed you to dispose it off with in 30 days from the date of submission (i.e., 02.09.2011) of revised site plan. Till now no ostensible action is taken in our file. This is to remind you the order of the Hon'ble High Court in W. P. No. 22770 of 2011 and to request you an early action.

Thanking you,

For Vista Homes,



(Soham Modi).





o/c

# VISTA HOMES

**5-4-187/ 3 & 4, II Floor,  
Soham Mansion, M. G. Road,  
Secunderabad – 500 003.  
Ph. No. 040- 66 33 5551**

Dt. 18<sup>th</sup> November 2011

To,  
The Commissioner,  
Greater Hyderabad Municipal Corporation,  
Tank band Road,  
Hyderabad.

Dear Sir

**Sub: Building Permission plans approval - submission of revised plans.**

**Ref :- 1. File No. 36678 / 11 / 10 / 2010.  
2. Order in Writ Petition No. 22770 of 2011 Dt 18.08.2011 by the  
Hon'ble High Court of AP.  
3. Our letter dated 02.09.2011.**

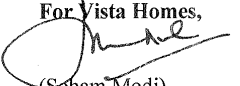
You may please recall the order of the Hon'ble High Court in reference No.2 cited above. We have already complied with all the requirements brought to our notice from time to time.

We submit that the requirement of a through access road of 9 meters width as prescribed under the rule 10.2 (c) of G.O.Ms.No.86 MA dated 03-03-2006 is provided already in the earlier plan submitted after the order of the Hon'ble High Court. As we understand, still there are queries, chiefly stating that the public access road shown by us in the said plan is not opening into a vacant site outside the said periphery since already some encroacher of the government land constructed a house unauthorizedly. Nevertheless, it is government land and the encroachment could be removed. But to avoid unnecessary complications, we are herewith enclosing a still more revised site plan wherein the 9 meters width public access road is revised to be opening into the open land belonging to the government by providing a turning. Thus, the requirement of the rule is very much met with in the newly revised plan submitted herewith. In view of the same we request you to approve revised site plan enclosed herewith. The topo plan has already been submitted and by this present revised site plan the topo plan is not disturbed. In view of the changes in the said through access road it become necessary to shift the Amenities Block from the north east to the south side. It may kindly be noted.

In view of the time limitation clamped by the Hon'ble High Court, we request you Sir to approve our group housing building permission plans at an earlier date to avoid any complication.

Thanking you,

Yours faithfully,  
For Vista Homes,

  
(Soham Modi)

**Encl:** 1. Revised Site Plan  
2. Amenities Block Plan

  
18 NOV 2011