

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

WP No. OF 2022

Between:

M/s. Silver Oak Estates,
Represented by its Partner,
Hardik Mehta, S/o Late Deepak U. Mehta
Aged: 43 years, Occ: Business R/o Flat No.401,
4th Floor, Maheshwari Residency, D.V. colony,
Minister Road, Secunderabad - 500003.

.....Petitioner

And

1. State of Telangana, rep by Principal Secretary,
Revenue Department, Secretariat,
Hyderabad, Telangana.
2. State of Telangana rep by Principal Secretary,
Irrigation Department, Secretariat,
Hyderabad, Telangana.
3. District Collector,
Medchal-Malkajgiri District.
4. Tahsildar,
Kapra Mandal,
Medchal-Malkajgiri District.
5. Superintending Engineer,
Irrigation Department,
North Tanks Division, Budha Bhavan,
Secunderabad- 500003.

.... Respondents.

X **FOR SILVER OAK ESTATES**
Hardik Mehta
Partner

AFFIDAVIT

I, Hardik Mehta, S/o Late Deepak U. Mehta, Aged: 43 years, Occ: Business, R/o Flat No.401, 4th Floor, Maheshwari Residency, D.V. colony, Minister Road, Secunderabad – 500003, Telangana State, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the Partner of the Petitioner Firm herein and as such I am well acquainted with the facts of the case.
2. It is submitted that the Petitioner Firm is the owner and possessor of land admeasuring Ac.0-23 guntas and Ac.1-11 guntas in Survey No.144 and 146 of Cherlapally Village, Kapra Mandal, Medchal-Malkajgiri District, having purchased the same from the owners of the property under registered sale deeds. Ever since the date of purchase the Petitioner firm has been in possession and enjoyment of the property.
3. It is submitted that there was no Nala passing through the Petitioner's property any point of time. However, after the Covid-19 Pandemic when the Petitioner visited the property they were shocked to see that a Nala is diverted from some other place to flow through the land of the Petitioner. The Nala is flowing from the Southern side of the

For SILVER OAK ESTATES
Hardik Mehta
X Partner

Petitioner's land passing through the Petitioner's land. This Nala was never in existence and the same is not reflected either in the village map or the other records maintained by the Department and there is no existing Nala as per records. However, illegally Nala is diverted through Petitioner's land and the same has to be corrected by the Government and the flow of the Nala is to be diverted and original nala has to be restored to flow through proper channel as it existed earlier.

4. The Petitioner has made a representation to the 5th Respondent on 23.09.2022 with a copy to the 4th Respondent. However, there is no action till date from the side of the Respondents. Thus the Petitioner is constrained to file the present writ petition.

5. The Petitioner has got no other equally efficacious alternative remedy except to approach this Hon'ble Court by invoking the extraordinary original jurisdiction of this Hon'ble Court under ARTICLE 226 of the Constitution of India.

6. The Petitioner has not filed any other writ petition or proceedings for the same relief which is claimed in the present writ petition and no proceedings are pending.

For SILVER OAK ESTATES
Hardik Mehta
X Partner

7. It is necessary that this Hon'ble Court may be pleased to direct the Respondents to divert the course of the Nala passing through the Petitioner's land admeasuring Ac.0-23 guntas and Ac.1-11 guntas in Survey No.144 and 146 of Cherlapally Village, Kapra Mandal, Medchal-Malkajgiri District, from its present course to its original course as shown in the village map pending disposal of the Writ Petition.

8. It is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction declaring the inaction of the Respondents herein in not diverting the course of the Nala through the Petitioner's land admeasuring Ac.0-23 guntas and Ac.1-11 guntas in Survey No.144 and 146 of Cherlapally Village, Kapra Mandal, Medchal-Malkajgiri District, to its original position as arbitrary, illegal and consequently direct the Respondents to divert the Nala flowing through Petitioner's land and maintain its original course as per the village map and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Sworn and signed before me on
this the th day of December 2022
at Hyderabad.

For SILVER OAK ESTATES
Haridit Mehta
Partner
DEPONENT

Advocate/Hyderabad

VERIFICATION

I, Hardik Mehta, S/o Late Deepak U. Mehta, Aged: 43 years, Occ: Business R/o Flat No.401, 4th Floor, Maheshwari Residency, D.V. colony, Minister Road, Secunderabad – 500003, Telangana State, do hereby verify and declare that the contents of the above paragraphs are true and correct to the best of my knowledge, information and belief and are believed to be correct as per legal advice and hence verified on this the 20th day of December, 2022 at Hyderabad.

Counsel for the Petitioner

FOR SILVER OAK ESTATES
Hardik Mehta
Partner
+
Deponent

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
APPELLATE SIDE

WP.No. _____ OF 2022

AGAINST
No. _____ OF 2022

On the file of the Court of _____
M/S Silver Oak Estates,
Rep. by its Partner, Hardik Mehta,

...Appellant/
Petitioner

V E R S U S
The State of Telangana & 4 Other's

...Respondents

I/We M/s Silver Oak Estates, Rep. by its Partner, Hardik Mehta, S/o
Late Deepak U. Mehta, Aged: 43 years, Occ: Business, R/o Flat No. 401,
4th Floor, Maheshwari Residency, D.V. colony, Minister Road,
Secunderabad - 500003. Appellant / Respondent in the above
application do hereby appoint and retain

PERI PRABHAKAR (6390)
ADVOCATE

Advocate/s of the High Court to appear for ME/US in the
above APPEAL/PETITION and to conduct and prosecute (or
defend) the same and all proceedings that may be taken in
respect of any application connected with the same or any decree
or order passed therein including all applications for return of documents or
the receipt of any money that may be payable to ME/US in the said Appeal/
Petition and also to appear in all applications under Clause XV of the Letters
patent and in all applications for review and for leave to the Supreme Court
of India and in all applications for review of Judgment.

For SILVER OAK ESTATES
X Hardik Mehta
Partner

I certify that the contents of this Vakalat were read out and explained in
(.....) in my presence to the executant who appeared
perfectly to understand the same and made his /her/their signatures or
mark in my presence.

Executed before me thisday of2022

Advocate, Hyderabad

S.R. No.

_____ District

**IN THE HIGH COURT FOR THE
STATE TELANGANA**

AT: HYDERABAD

APPELLATE SIDE

No. _____ of 2022

AGAINST

No. _____ of 2022

VAKALAT

ACCEPTED

M/S Silver Oak Estates

..Appellant

And

The State of Telangana & 4 Other's

..Respondents

**PERI PRABHAKAR (6390)
ADVOCATE**

Advocate for Appellant Petitioner

Address for Services: Ph : 23210956

102, NARVEN'S VAISHNO
SUDHAM, 6-3-1089 & 1089/A,
GULMOHAR AVENUE, VILLA
MARIE COLLEGE LANE, RAJ
BHAVAN ROAD, SOMAJIGUDA,
HYDERABAD-82, TELANGANA.

9849026415

Email:

periprabhakar@yahoo.co.in

periprabhakar9@gmail.com