

THE HIGH COURT FOR THE STATE OF TELANGANA
AT:HYDERABAD:

W.P. NO. 20561 OF 2022

BETWEEN:

1. Samala Narsimha Reddy, S/o. S. Bhoopal Reddy,
Aged about 37 Years, Occ: Agriculture,
R/o. H. No.1-58, Pocharam Village,
Ghatkesar Mandal, Medchal-Malkajgiri District.
2. A. Anji Reddy, S/o. s. Ram Reddy,
Aged about 60 Years, Occ: Agriculture,
R/o. H. No.1-74/2, Pocharam Village,
Ghatkesar Mandal, Medchal-Malkajgiri District.
3. S. Nagi Reddy, S/o. S. Bhoopal Reddy,
Aged about 35 Years, Occ: Agriculture,
R/o. H. No.1-53, Pocharam Village,
Ghatkesar Mandal, Medchal-Malkajgiri District.

.... Petitioners.

AND

1. The State of Telangana,
Rep. by its Secretary,
Municipal Administration and Urban Development ,
Secretariat Building, Hyderabad.
2. The Pocharam Municipality,
Pocharam, Medchal-Malkajgiri District,
Rep. by its Commissioner.
3. Avani Vashishta Conkstructions LLP,
Plot No.8, Avigna Enclave, 4th Floor, PNT Colony,
Medipally, Peerzadaguda Municipal Corporation,
Hyderabad - 92.

For MODI PROPERTIES PVT. LTD.
Director

4. Modi Properties Pvt Ltd.,
Rep. by its Managing Director Soham Satish Modi,
Having Office at 5-4-187/3&4,
Soham Mansion, 2nd floor, M.G. Road,
Secunderabad, Telangana – 500003.
 5. The Station House Officer,
Ghatkesar Police Station,
Ghatkesar, Medchal Malkajgiri District.
- ... Respondents.

COUNTER AFFIDAVIT FILED ON BEHALF OF THE
4TH RESPONDENT

I, Soham Modi, S/o. Late Satish Modi, Aged about 50 Years,
Occ: Managing Director of the 4th Respondent Company, R/o.
5-4-187/3 & 4, Soham Mansion, MG Road Secunderabad do
hereby solemnly affirm and state on oath as follows.

1. I have gone through the contents of the affidavit filed in
support of the Writ Petition and I submit that the same
does not disclose any ground for grant of the relief as
prayed for. The contents of the affidavit are denied in total
except to the extent specifically traversed and admitted
hereunder. The Petitioners are put to strict proof of the
averments of the affidavit. Without prejudice to the above

For MODI PROPERTIES PVT. LTD.



Director

The paragraph-wise reply to the contents of the affidavit are given as follows: In reply to paragraph no.1 of the affidavit, no specific reply is required from this Respondent.

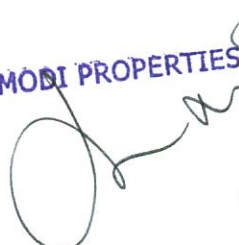
2. In reply to paragraph no.2 of the affidavit, it is denied that any nala is being done through the agricultural land belonging to the Petitioners herein more particularly in Survey No.28 & 29, Pocharam Village, Ghatkesar Mandal, Medchal Malkajgiri District for the benefit of this Respondent. Further this Respondent No.4 is not a party to the development of land. The Petitioners wrongly implicated this Respondent. Instead the Petitioners would have been implead to Modi Realty Pocharam in the case. The contents of the affidavit of the Petitioners are not correct and all the Petitioners are put to strict proof of the same.
3. In reply to paragraph no.3 of the affidavit, the ownership of the petitioners over the land mentioned in para no.3 is

For MODI PROPERTIES PVT. LTD.

Director

denied for want of knowledge by this Respondent. The Petitioners are put to strict proof of their averments that they are not the owners of the property.

4. In reply to paragraph no.4 of the affidavit, no specific reply is required from this Respondent.
5. In reply to paragraph no.5 of the affidavit, no specific reply is required from this Respondent except for stating that the 4th Respondent is a reputed builder having several projects in several areas of the District.
6. In reply to paragraph no.6 of the affidavit, it is denied that any water and sewerage is flowing from the constructions of this respondent or that the same is being diverted to the lying areas. It is also denied that the course of water flow has changed due to the formation of new roads by the Respondents and other builders. It is also denied that the said accumulated water was diverted to low lying areas on the side of the road or that it is done for the convenience of the Respondents and other builders. The

For MODI PROPERTIES PVT. LTD.

Director

contents of the paragraph are purely imaginary, not true and self-serving and denied.

7. In reply to paragraph no.7 of the affidavit, the contents of the same are denied and it is denied that any drainage water is diverted illegally into to the lands of the petitioners.
8. In reply to paragraph no.8 of the affidavit, it is denied that any water is being diverted into the fields of the Petitioners. It is not known to which violations the Petitioners are referring to.
9. In reply to paragraph no.9 of the affidavit, the contents of the same are denied, there is no such digging nala to divert the water into the agricultural fields of the Petitioners and at any rate this Respondent has nothing to do with such activity. It appears that the Petitioners are making such allegations only for the purpose of extracting money from the builders by making such false allegations.

For MODI PROPERTIES PVT. LTD.

Director

10. In reply to paragraph no.10 of the affidavit, the contents of the same are denied and the Petitioners are put to strict proof of the same. The Writ Petition is a bundle of lies, there is no truth in the allegations being made by the Petitioners that water is being diverted into the fields of the Petitioners. Deliberately false allegations are made. NO roads are being laid through the lands of the Petitioners and as such the writ petition is liable to be dismissed with costs.

It is therefore prayed that this Hon'ble Court may be pleased to dismiss the writ petition with costs.

Sworn and signed before me on
this the th day of September, 2022
At Hyderabad.

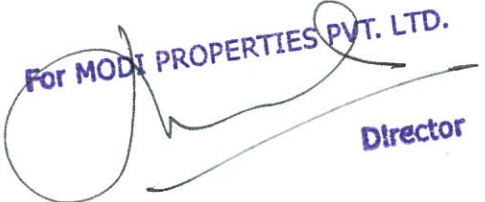
For MODI PROPERTIES PVT. LTD.
Director
Deponent

Advocate / Hyderabad

VERIFICATION

I, Soham Modi, S/o. Late Satish Modi, Aged about 50 Years, Occ: Managing Director of the 4th Respondent Company, R/o. 5-4-187/3 & 4, Soham Mansion, MG Road Secunderabad, 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 as per legal advice.

Hence Verified on this the th day of September 2022
at Hyderabad.


For MODI PROPERTIES PVT. LTD.
Director

Deponent

Counsel for the Respondent No. 4

DISTRICT : RANGA
REDDY

W.P.NO.20561OF 2022

COUNTER AFFIDAVIT FILED
ON BEHALF OF
RESPONDENT NO.4

PERI PRABHAKAR (6390)
COUNSEL FOR RESPONDENT
NO.4

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