

*A unauthorized Restaurant & Bar running at Jubilee Hills
we filed w.p. (Mod: Builders) soham in also*

HIGH COURT OF JUDICATURE OF TELANGANA AT HYDERABAD

APPELLATE SIDE

w.p. No. ~~31822~~ of 2022
Against 31822 of 2022
No. of 2022

On the file of the Court of _____

Between:

Soham Modi S/o Late Satish Modi, aged 52 years, Occ: Business
Resident of Plot no 280, Road No. 25, Jubilee Hills, Hyderabad-500 033

Petitioner/s
Appellant/s

Versus

The State of Telangana, Rep. by its Principal Secretary,
Department of Municipal Administration & Urban Development,
Secretariat Buildings, Hyderabad, Telangana and others.

Respondent/s
Respondent/s

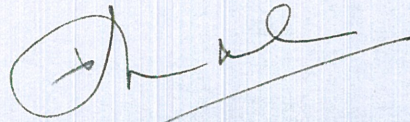
I Soham Modi S/o Late Satish Modi, aged 52 years, Occ: Business, Resident of Plot
no 280, Road No. 25, Jubilee Hills, Hyderabad-500 033,
Appellant/Petitioner/Respondent, Undersigned

In the above APPEAL/PETITION do hereby appoint and retain

GUMMA UMAPATHI SASTRY (8074)

ADVOCATE

To appear for ME/US in the above APPEAL/PETITION and to conduct and to
prosecute or defend the same and all proceedings that may be taken in respect of
any applications connected with the same or any decree or order passed therein,
including all applications for return of documents or the receipt of any moneys that
may be payable to ME/US in the said APPEAL/PETITION and also to appear in all
appeals and applications under clause XV of the Letters Patent and in all
applications for review and for leave to appeal to the Supreme Court of India.



I certify that the contents of this Vakalat were read out and explained in
English/Telugu in my presence to the executant or executants who appeared
perfectly to understand the same, made HIS/HER/THEIR signature or marks in my
presence. Executed before me on this ____ day of _____ 2022

Advocate/Hyderabad

S.R. No.

HYDERABAD:DISTRICT

**HIGH COURT OF JUDICATURE
OF TELANGANA AT HYDERABAD**

No of 2022

Against

No. of 2022

VAKALATNAMA

ACCEPTED

Appellant/
Counsel for the Petitioner
Respondent

Date: _____

**GUMMA UMAPATHI SASTRY (8074)
ADVOCATE**

Appellant
Advocate for Petitioner
Respondent

Address for Service

H. No.2-4-123/3,
Road No. 19A, Snehapuri Colony
S.R.K.Puram, Kothapet,
Hyderabad-102
Mobile No. 9440336816

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

W.P.No 31822 of 2022

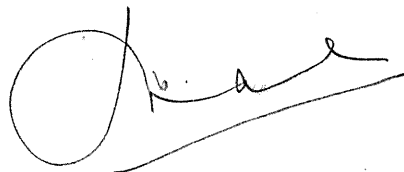
Between:

Soham Modi S/o Late Satish Modi
aged 52 years, Occ: Business
Resident of Plot no 280,
Road No. 25, Jubilee Hills,
Hyderabad-500 033

... Petitioner

A N D

1. The State of Telangana,
Rep. by its Principal Secretary,
Department of Municipal Administration & Urban Development,
Secretariat Buildings,
Hyderabad, Telengana
2. The Commissioner,
Greater Hyderabad Municipal Corporation,
CC Complex, Tank Bund Road,
Lower Tank Bund,
Hyderabad-63,
Telangana State.
3. The Zonal Commissioner,
Greater Hyderabad Municipal Corporation,
Khairatabad,
Hyderabad-63
Telangana State.
4. The Commissioner,
Prohibition and Excise ,
Nampally, Hyderabad-500001
Telangana State.



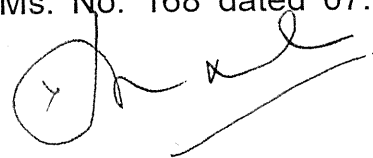
5. Jubilee Hills Cooperative House building Society
Road no 17-A Behind Blood Bank, Jubilee Hills
Hyderabad-500033
6. Shiva Teja Varma S/o not known to the petitioner,
Plot No. 279/A, Road No. 10 C,
Jubilee Hills, Hyderabad-33.
7. Mr. Venkata Appa Rao S/o not known to the petitioners,
Owner of Plot No. 279/A, Road No. 10 C,
Jubilee Hills, Hyderabad-33.

.... Respondents

AFFIDAVIT

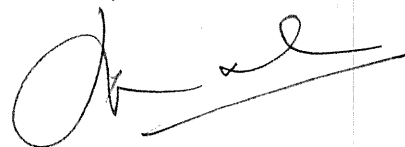
I, Soham Modi S/o Late Satish Modi aged 52 years, Resident of Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad-500 033 do hereby solemnly affirm and state on oath as follows:

1. I humbly submit, that I am the deponent herein and writ petitioner and as such I am well acquainted with the facts of the case and depose as follows:
2. I humbly submit that, I am the resident of Plot No 280, Road No. 25, Jubilee Hills for more than 20 years and my house is touching the Plot No. 279/C on Road No. 10 C where the Respondents 6 and 7 are opening a commercial pub/bar/restaurant.
3. I humbly submit that, the respondent 6, intends to run a commercial pub/bar/restaurant and the respondent 7 is the owner of the residential house on Plot no 279/A Road No. 10C of Jubilee Hills respectively. I further submit that any permission given for running a commercial premises is a gross violation of G.O. Ms. No. 168 dated 07.04.2012



clause (j)(*Special Regulations for banjara Hills and Jubilee Hills areas of Hyderabad*) ". I further submit, that the Jubilee Hills Road No. 10 C is not in a commercial Zone and it is in a Residential Zone only. It is clearly specified as per Memo No. 9466/Plg.III/2016 Dt. 07-09-2019 issued by the 1st respondent authority clearly demarcating the commercial zones of the city and in the said demarcation, Road no 10C does not come under the purview of commercial zone.

4. I submit that the 6th and 7th respondents are finishing construction and the interior works and modifications and are shortly commencing a commercial pub/bar/restaurant in plot No. 279/A Road No 10C, without obtaining any No-objection and permission from either petitioner or other residents adjacent to the said plot of respondents 6 and 7 as the said plot is falls in the residential area of Road No. 10C Jubilee Hills.
5. I submit that, the 2nd respondent also without personal verification of the location, granted permission for establishing a commercial pub/bar/restaurant in the residential plot no 279/A owned by the 7th respondent herein. I further submit that the Respondent 7 is the owner of plot 279/A and is well aware of the wrong doing but has let out the residential premises to carry out commercial activity for the purpose of gaining huge rents etc. The establishment also proposed to run a restaurant /cafeteria with many visitors operating till late hours in the



night up to 2 a.m and will cause enormous distress to the Petitioner herein. On being approached, the 7th Respondent had responded that "he is highly influential and no one will take any action against him and all complaints are of no use".

6. I further submit that the commercial activity is going to commence on in this plot very shortly and with hundreds of visitors and cars coming on a daily basis which will cause immense disturbance till late in the night. Also, large traffic disruption on the entire road no 10C will be caused by the 6th respondent due to the persons visiting his premises which has no parking whatsoever for a commercial operation.
7. I humbly submit that the 2nd respondent has also without observing the zonal areas, given permissions to the respondent 6 for using the said premises as commercial purposes and the owner of the said plot i.e., respondent No.7 knows the facts but they kept quiet and not giving any proper response to the petitioner, the petitioner informed the same to them and the 5th respondent society also not responding the representations of the petitioner and supporting to the respondents 6 & 7.
8. I humbly submit that the 2nd Respondent has not taken action against commercial premises in Road no 10 C and specifically with respect to respondent No. 6 which is a commercial pub/bar/restaurant and same is opening shortly. I further submit that in case of the Respondent No. 6 opening a pub/bar/restaurant in plot no 279/A, with lack of suitable fire

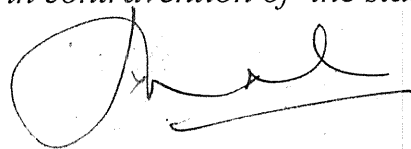


equipment means that any fire to these inflammable materials will spread to all houses adjoining these houses.

9. I humbly submit that the Respondent 4 has not taken cognizance of my detailed complaints dated 13/12/2021 and 8/7/2022 against respondents 6 and 7 mentioned in this writ petition.

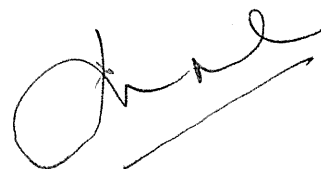
10. I humbly submit that, there is an urgency to stop the opening of the commercial Pub/Bar/Restaurant in the residential premises as once started it cause huge nuisance to me and the neighbors. I humbly submit that respondent no 2 to 5 should have withheld all permissions including give a trade license for the starting of the pub/bar/restaurant and any such license must be recalled.

11. I submit that, the 2nd Respondent should have stopped the issuing of commercial electrical connection of more than 20kv in residential houses by withholding the completion/occupancy certificate thus ensuring that the no power connection was given to commercial premises as per GO Ms No 168 date 7/4/2012 clause 26 (g). I further submit that as per GO MS no 168 dated 7/4/2012 clause 27 -iv with respect to enforcement – “*(any person who whether at his own instance or at the instance of anybody including the government Department undertakes or carries out construction or development of any and in contravention of the statutory*

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master plan or without permission, approval or sanction or in contravention of any condition subject to which such permission or approval or sanction has been granted shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to 10% of the value of the land or building including the land as fixed by the registration department at the time of using the building. Provided the fine is imposed in no case shall it be less than 50% of the said amount)". I submit that the respondents no 2, 3 and 4 instead of taking action against respondents 6 and 7 for violating the master plan provisions as the clauses mentioned above supporting them only. In these situations, we are filing this writ petition against the respondents for taking appropriate steps urgently for stopping the said commercial shops from starting operation in the residential zone of Road No. 10C of Jubilee Hills, Hyderabad against my representations, otherwise irreparable loss caused to me.

12.I submit that, a Writ Petition No. 5568/2020 filed before this Hon'ble High Court at Hyderabad and it is pending for adjudication with a similar relief on against operation of commercial by the respondents therein in plot no 322 Road no 25 Jubilee Hills and the Hon'ble Court was pleased to grant an interim order in IA No.1/2020 in WP 5568/2020 directing the

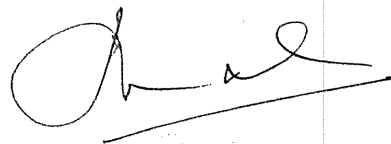


respondent 2-4 to consider and take action against the establishment of the commercial premises in accordance with the law.

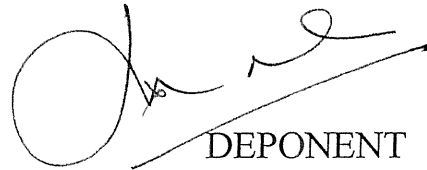
13.I submit that in these circumstances, I have no other alternative, affective and speedy remedy except invoking the extraordinary special original jurisdiction of this Honourable Court as enshrined under Article 226 of the Constitution of India by way of filing this writ petition for redress of my grievance.

14.I submit that I have not filed any other suit, writ or any other legal proceedings seeking the relief sought for in this writ petition before any other court of law or authority.

It is therefore prayed that this Honorable Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to direct the respondents to consider the representations Dated 13/12/2021 and 8/7/2022, given by the petitioner for immediately stopping the commercial Pub/Bar/Restaurant in plot No. 279/A Road No 10C from starting operations in the residential zone and taking appropriate enforcement actions and penalties as prescribed in GO 168 dated 7/4/2012 clause 27 (iv) and pass such other order or orders as this Honorable Court deems fit and proper under the circumstances of the case.

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It is further prayed that the Honorable Court may be pleased to grant interim directions against the respondents 6 and 7 to stop their business activities in the plot No. 279/A pending disposal of the writ petition and pass such other order or orders as this Honorable Court may deems fit and proper in the circumstances of the case.



DEPONENT

Sworn and signed before me
On this the day of July, 2022.
At Hyderabad

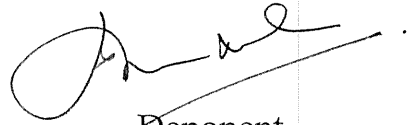
Before me

Advocate: Hyderabad

Verification

I, Soham Modi S/o Late Sri. Satish Modi, aged about 52 years, Occupation: Business, Resident of House Plot No. 280, Road No. 25, Jubilee Hills, Hyderabad-500 033, being the petitioner herein stated the contents of para-Nos. 1 to 12 and reliefs sought by the petitioners are true to the best of my knowledge and belief and are correct. Hence verified on this the 15th day of July 2022.

Counsel for the petitioner


Deponent

