

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

W.P. NO.

OF 2024

Between:

Modi Realty Genome Valley LLP
Represented by its Managing Partner Shri Soham Modi
5-4-187/3 and 4, II Floor, Soham Mansion
M.G. Road, Secunderabad
Telangana – 500 003

...Petitioner

AND

1. State of Telangana
Rep. by its Principal Secretary,
Municipal Administration and Urban Development
Secretariat, Hyderabad
2. The Hyderabad Metropolitan Development Authority
Rep. by its Metropolitan Commissioner
7th Floor Swarna Jayanthi Complex,
Ameerpet, Hyderabad.
3. State of Telangana,
Rep. by its Principal Secretary,
Revenue (LA) Department,
Secretariat, Hyderabad
4. The District Collector,
Revenue (LA) Department,
Office of Collector,
Medchal Malkajgiri District.

...Respondents

For MODI REALTY GENOME VALLEY LLP

Partner

AFFIDAVIT

I, Soham Modi, S/o. Late Satish Modi Aged about 53 years, Occ: Business, R/o 5-4-187/3 and 4, II Floor, Soham Mansion, M.G. Road, Secunderabad, Telangana – 500 003 do hereby solemnly affirm and state on oath as follows:

1. I am the Managing Partner of the Petitioner Firm and as such well acquainted with the facts of the case.
2. The Petitioner is filing the present Writ Petition praying the Hon'ble High Court to declare the action of the 2nd Respondent herein in requiring the Petitioner to clarify about the shortfall in its Shortfall Notice in File No. 062334/MED/R1/U6/HMDA/26012024 dated 14.02.2024 as arbitrary, illegal and unnecessary in view of the proposed acquisition vide notification in file no. G2/1546/2019 dated 26.08.2019 and in file no. D/1127/2019 dated 20.08.2019 under Gazette No. MMD 40 dated 27.08.2019 having lapsed on 26-08-2023 and as there is no renewal of the same.
3. I submit that the Petitioner Firm is the absolute owner and possessor of land ad measuring Ac.07-04 $\frac{3}{4}$ gts in Survey nos. 505/P, 506/P,

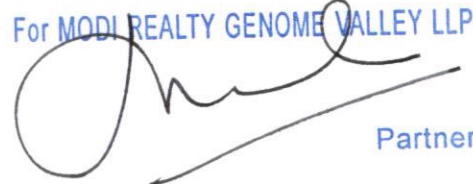
For MODI REALTY GENOME VALLEY LLP

Partner

Registrar's office U/s. 22-A the said survey numbers are mentioned
as follows:

Sro Name [Sro Code]	Sy. No.	Sub Sy. No	Plot No.	Extent (unit)	Volum e No./Pa ge No.	Reason	Letter/Memo/ Order/Notific ation/Date	Remarks	Authority
SHAM IRPET [1516]	506	-	-	1.0(G)	22 31	Covered by Court Stay	Gazette No. MMD.40(File No.G2/1546 /2019 27-08-2019	Govt. of Telangana Revenue (LA) Dept.	Mezen Medic Health Care Pvt Ltd Rep. by Amarnath Reddy S/o. Y. Narsimha Reddy and Others
SHAM IRPET [1516]	507	-	-	7.0(G)	22 31	Covered by Court Stay	Gazette No .MMD.40 (File No.G2/1546 /2019 27-08-2019	Govt. of Telangana Revenue (LA) Dept.	Mezen Medic Health Care Pvt Ltd Rep. by Amarnath Reddy S/o. Y. Narsimha Reddy and Others
SHAM IRPET [1516]	508	-	-	11.0 (G)	22 31	Covered by Court Stay	Gazette No. MMD.40(File No.G2/1546 /2019 27-08-2019	Govt. of Telangana Revenue (LA) Dept.	Ragula Mallaiah and Others
SHAM IRPET [1516]	511	-	-	13.0 (G)	22 31	Covered by Court Stay	Gazette No. MMD.40(File No.G2/1546 /2019 27-08-2019	Govt. of Telangana Revenue (LA) Dept.	Mezen Medic Health Care Pvt Ltd Rep. by Amarnath Reddy S/o. Y. Narsimha Reddy and Others
SHAM IRPET [1516]	532	-	-	10.0 (G)	22 31	Covered by Court Stay	Gazette No.MMD.40 (File No. G2/1546 /2019 27-08-2019	Govt. of Telangana Revenue (LA) Dept.	Vanga Srinivas Reddy S/o. Rayakoti Reddy

For MODI REALTY GENOME VALLEY LLP



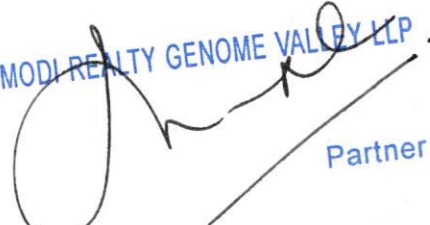
Partner

Remark No.6:

To Clarify the POB aspect the Sy.No.506-1-00 (G) Sy.No.507 7-0(G) Sy.No.511 13-0(G)- Covered by Court stay in file No.G2/1546/2019 dt:27-8-2019 Govt. Of Telangana Rev.(LA) Dept., Mezen Medic Heath care pvt. Ltd., rep. by Amarnath Reddy S/o.Y.Narsimha Reddy – 508 (Ragula Mallaiah & others) 11-0 (G) 532 10.0 (G) (Vanga Srinivas Reddy S/o.Rayakoti Reddy) is recorded. Along with NALA/Location sketch/PPB of Sri S. Anand Reddy S/o. S.Satha Reddy/latest pahani for verification.

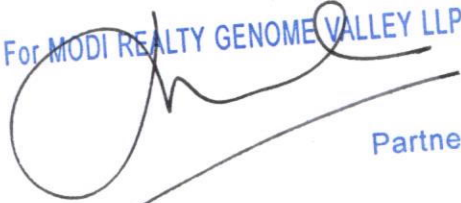
It is submitted that in so far as Remark Nos.1 to 5 are concerned the Petitioner will be complying with the same.

It is submitted that, as per Remark no.6, the land in Sy. No.506, 507 508 511 and 532 are covered by Court stay in File No.G2/1546/2019, dated 27-08-2019, it is submitted that, subsequently we have enquired from the Sub-Registrar's office regarding the said remark and we have come to know that there is no Court Stay and the objection is that in the list of prohibited properties maintained by the

For MODI REALTY GENOME VALLEY LLP.

Partner

507, 508/P, 509, 510, 511 & 532/P of Kothur/Kolthur Village, Shamirpet Mandal, Medchal Malkajgiri District having purchased the same under valid registered sale deed document bearing No.3208/2017 Pursuant to the purchase of the same, the petitioner firm which is in the business of construction and development of properties had applied for permission to construct a residential apartment complex consisting of Cellar, Stilt + 8 Upper floors in the said land vide application no. 062334/MED/R1/U6/HMDA/26012024 dated 26.01.2024.

4. It is submitted that the 2nd Respondent has issued a shortfall notice dated 14.02.2024 requiring the petitioner to submit certain documents and additional documents apart from requiring to comply with the requirements as per the remarks. It is submitted that in so far as submission of the documents are concerned, the petitioner will be complying with the same in accordance with law. However, the petitioner has an objection in so far as submission of clarification to Remark No.6 which reads as follows:

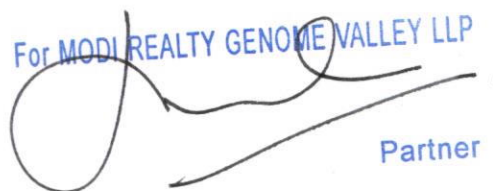
For MODI REALTY GENOME VALLEY LLP

Partner

All these survey numbers are included in the list of prohibited properties on account of Gazette No.G2/1546/2019, dated 27-08-2019 which is issued in respect of lands owned by the persons mentioned therein. It is submitted that the Gazette Notification referred to is the Gazette whereby lands are notified for acquisition.

5. It is submitted that the clarification is being required by the 2nd Respondent in view of the fact that the 4th respondent had issued a notification under Section 11 of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) proposing to acquire the land in survey nos. 506, 507, 508, 511 & 532 along with land in other survey nos. for the purpose of Konda Pochamma Sagar of Kaleshwaram Project of Turkapally Canal of Jagdevpur Canal under the said act. It is submitted that this notification is issued vide Gazette No. MMD 40 dated 27.08.2019 and the proposal to acquire the land is of the 4th respondent in file no. G2/1546/2019 dated 26.08.2019 and in file no. D/1127/2019 dated 20.08.2019. It is submitted that in view of the acquisition notification referred above, the 4th respondent has included the properties in the list of prohibited properties.

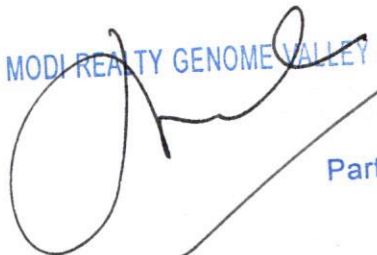
For MODI REALTY GENOME VALLEY LLP .
Partner

6. It is further submitted that the acquisition notification was extended lastly vide proceedings no. G2/1541/2019 dated 23.08.2022 up to 26-08-2023. Subsequently there is no extension of the said notification and as such the same had lapsed. In view of the lapse of the acquisition notification, there is absolutely no requirement of the petitioner clarifying about the status of the land with respect to register maintained U/s. 22-A as the same have to be deleted from the said list immediately upon the lapse of the Acquisition Notification with respect to the notice dated 14.02.2024 or clarifying about the Remark no.6, and the application for construction permission made by the petitioner is liable to be considered independently and without reference to the said shortfall objection or giving any clarification.
7. It is further submitted that in view of the lapse of the acquisition notification the said survey numbers which are mentioned in the above table and which are listed as prohibited properties have to be deleted from the list of prohibited properties and as a consequence of the same the 2nd respondent has to grant construction permission

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Partner

in favour of the Petitioner Firm in view of the fact that the lands are not required for public purpose and the same are deleted from the list of prohibited properties. Thus, in view of the lapse of the Acquisition Notification the Respondent No.4 has to delete the said properties from the list of prohibited properties and the Respondent No.2 is liable to consider the application without reference to the prohibited list or the Acquisition Notification independently and without asking for any clarification.

8. The Petitioner has made several oral representations to the 2nd Respondent informing about the situation and requesting them to process the construction permission application without reference to the said objection as the notification had already lapsed but the officials of the 2nd respondent have informed the petitioner that unless the survey numbers are deleted from the list of prohibited properties or there is a direction from this Hon'ble Court, the petitioner's application cannot be considered. Thus the representations and requests of the Petitioner are not being considered by the 2nd Respondent.

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Partner

9. I further submit that till date there is no progress in the acquisition proceedings except for issuing the notification. No enquiry had been conducted and no award is passed in respect of the land in the proposed notification and no compensation is paid to anyone. In fact, no one has received any notice pursuant to the issuance of the Section 11 notification. As such the entire proceedings have lapsed and it appears that the Government is not having any necessity of the land for the purpose of the said project. In spite of the situation the 4th Respondent is not deleting the above mentioned survey numbers from the prohibited list and as a consequence the 2nd Respondent is insisting to get the survey numbers deleted from the prohibited list for consideration of the construction application without reference to the same. Thus, the Petitioner is constrained to file the present Writ Petition.
10. The petitioner has no other equally efficacious alternative remedy except to invoke the extraordinary original jurisdiction of this Hon'ble Court under Article 226 of the constitution of India.

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Partner

11. The petitioner has not filed any other writ petition or proceeding before any other forum claiming the same relief which is claimed in the present writ petition.
12. It is necessary that the Hon'ble High Court may be pleased to direct the 2nd respondent to consider the construction permission in Application No. 062334/MED/R1/U6/HMDA/ 26012024 dated 26.01.2024 and process the same without reference to the Remark No.6 requiring the petitioner to clarify regarding the survey numbers being part of the prohibited properties list being maintained by the 4th Respondent pending disposal of the Writ Petition.
13. It is necessary that this Hon'ble Court may be pleased to direct the 4th Respondent to delete the Survey nos. 506/P (Ac 0.1 Gts) , 507 (Ac 0.7 Gts), 508/P (Ac 0.11 Gts), 511 (Ac 0.13 Gts) & 532/P (Ac 0.10 Gts) of Kothur/Kolthur Village, Shamirpet Mandal, Medchal Malkajgiri District from the list of prohibited properties register maintained by it U/s. 22-A of the Registration Act, 1905 in view of the Gazette Notification No.G2/1546/2019 dated 27-08-2019 having lapsed pending disposal of the Writ Petition.

For MODI REALTY GENOME VALLEY LLP



Partner

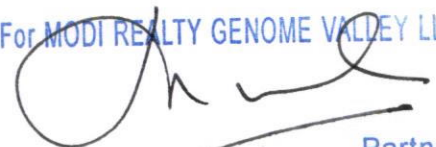
14. It is therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Order or Direction by

(a) declaring the shortfall notice issued by the 2nd respondent in File No.062334/MED/R1/U6/HMDA/26012024 dated 14.02.2024 in so far as Remark No.6 requiring the petitioner to clarify regarding the survey numbers being part of prohibited properties list being maintained by the 4th Respondent for consideration of the Application No. 062334/MED/R1/U6/HMDA/26012024 dated 26-01-2024 as arbitrary, illegal,

(b) declaring the action of the 4th Respondent in not deleting the Survey Nos. 506/P (Ac 0.1 Gts) , 507 (Ac 0.7 Gts), 508/P (Ac 0.11 Gts), 511 (Ac 0.13 Gts) & 532/P (Ac 0.10 Gts) of Kothur/Kolthur Village, Shamirpet Mandal, Medchal Malkajgiri District from the list of prohibited properties register maintained by it U/s. 22-A inspite of lapse of the Acquisition Notification No.G2/1546/2019, dated 27-08-2019 as arbitrary and illegal,

(c) and direct the 4th respondent to delete Survey nos. 506/P (Ac 0.1 Gts) , 507 (Ac 0.7 Gts), 508/P (Ac 0.11 Gts), 511 (Ac 0.13 Gts)

For MODI REALTY GENOME VALLEY LLP



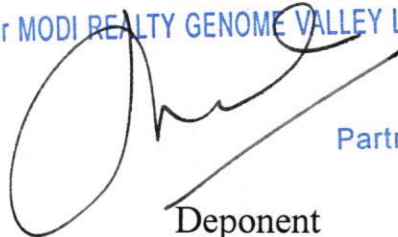
Partner

& 532/P (Ac 0.10 Gts) of Kothur/Kolthur Village, Shamirpet Mandal, Medchal Malkajgiri District from the list of prohibited properties register maintained by it U/s. 22-A

(d)and consequently direct the 2nd respondent to consider the construction permission application of the Petitioner bearing No. 062334/MED/R1/U6/HMDA/26012024, dated 26-01-2024 without reference to Reference No.6 requiring the petitioner to clarify regarding the survey numbers being part of prohibited properties list being maintained by the 4th Respondent U/s. 22-A, and pass such other order or orders in the interest of the justice.

Sworn and signed before me on
his the 12th Day of September 2024
at Hyderabad.

For MODI REALTY GENOME VALLEY LLP



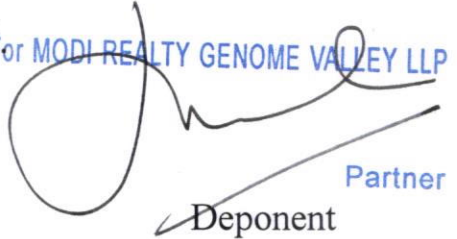
Partner

Deponent

Advocate: Hyderabad

VERIFICATION

I, Soham Modi, S/o. Late Satish Modi Aged about 53 years, Occ:
Business, R/o 5-4-187/3 and 4, II Floor, Soham Mansion, M.G. Road,
Secunderabad, Telangana, do hereby state that the contents of the above
paragraphs are true to the best of my knowledge, information and belief
and believe the same to be true upon legal advice and hence verified on
this the 9th day of September 2024 at Hyderabad.


For MODI REALTY GENOME VALLEY LLP
Partner
Deponent

Counsel for Petitioner

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

APPELLATE SIDE

WP.No.

OF 2024

AGAINST

No.

OF 2024

On the file of the Court of _____

M/s Modi Realty Genome Valley LLP
Rep by its Managing Partner Shri Soham Modi

..Appellant/
Petitioner

V E R S U S

The State of Telangana
Municipal Administration and Urban Development
& 3 Other's

...Respondents

I/We M/s Modi Realty Genome Valley LLP, Rep. by its Managing Partner Shri Soham Modi, S/o Late Satish Modi, Aged: 53 years, Occ: Business, R/o, Hyderabad. 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 MODI REALTY GENOME VALLEY LLP

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 of September 2024

Advocate, Hyderabad

S.R. No.

_____ District

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

AT: HYDERABAD

APPELLATE SIDE

No. _____ of 2024

AGAINST

No. _____ of 2024

VAKALAT

ACCEPTED

M/S Modi Realty Genome Valley
LLP Rep by its Partner

..Appellant/
Petitioner

And

The State of Telangana Power dept
& 3 Other's

..Respondents

**PERI PRABHAKAR (6390)
ADVOCATE**

Advocate for Appellant Petitioner

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