

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL - SOUTHERN  
ZONE, CHENNAI**

**Original Application No. 39 of 2020 (SZ)**

**BETWEEN:**

Dr. Lubna Sarwath

**...Applicant**

**A N D**

The State of Telangana,  
Rep. by its Chief Secretary

& 8 Others

**...Respondents**

**REPLY FILED ON BEHALF OF THE RESPONDENT NO. 9 TO THE  
ADDITIONAL APPLICATION FILED BY THE APPLICANT**

**Filed on : 15.02.2021**

**Filed by:**

**T. RAJKUMAR &  
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**COUNSELS FOR RESPONDENT NO. 9**

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*Kishan*

Date: 15.02.2021  
Place: Hyderabad

COUNSEL FOR THE RESPONDENT NO. 9

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BETWEEN:

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AND

The State of Telangana,  
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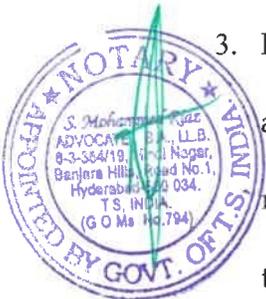
& 8 Others

...Respondents

REPLY FILED ON BEHALF OF THE RESPONDENT NO. 9 TO THE  
ADDITIONAL APPLICATION FILED BY THE APPLICANT

I, V.V. Sathyam, S/o. V. Kesava Rao, aged about 50 years, Occ: Authorised Signatory of Respondent No. 9, having office address at #1335, Road No. 45, Jubilee Hills, Hyderabad, Telangana - 500033, do hereby solemnly affirm and sincerely state on oath as under:

1. I submit that I am the authorised signatory of the answering Respondent, i.e. Respondent No. 9, duly authorised by way of a Board Resolution dated 06.07.2020. I am fully conversant with the facts of the case and am competent to depose the present affidavit on behalf of Respondent No. 9.
2. It is submitted that I have read the Additional Application filed by the Applicant and understood the same.
3. It is submitted that, the answering Respondent at the outset denies all the allegations /averments and does not admit any of the allegations/averments made against the answering Respondent in the Additional Application filed by the Applicant before this Hon'ble Tribunal, save and except those that are



specifically admitted hereunder and the Applicant is put to strict proof of the same. Every allegation not specifically admitted hereunder may not be deemed to be admitted in case of lack of a specific reply.

4. It is submitted that, the Applicant herein is guilty of *Suppressio veri* and *Suggestio Falsi*, in as much as the Applicant herein resorted to deliberate and wilful concealment of facts and made false representations before this Hon'ble Tribunal as against the answering Respondent, more so by way of filing the Additional Application, by unsuccessfully attempting to improve her case stage-wise and misleading this Hon'ble Tribunal.
5. The answering Respondent submits that the Additional Application filed by the Applicant is not maintainable either in law or on facts and the same is liable to be dismissed.
6. The answering Respondent at the outset categorically specifies that the Applicant has initially through her Application dated January 13, 2020 had filed for restoration of *Mamasani Kunta*, to which a Reply has been filed by the answering Respondent vide Reply dated 10.08.2020, containing all the relevant facts and issues known to the answering Respondent pertaining to *Mamasani Kunta*. Subsequently, the Applicant having understood that there was no fit case made out, at the later stage, filed an Additional Application dated 13.08.2020 pertaining to *Mekasani Kunta*, with an ulterior motive by making false allegations and without proper verification of the records and without ascertaining ground situation over the years.
7. The answering Respondent respectfully submits that the Additional Application filed by the Applicant which is treated as Objections to the Joint Committee Report is not maintainable either in law or on facts. The Applicant is pleading a



totally new case, which by itself is also factually incorrect. Before answering the statements / averments / allegations of the Applicant in the said Additional Application, the answering Respondent respectfully submits that the very Additional Application filed in the present proceedings, is beyond the scope of the present proceedings and deserves to be rejected *in limine*. Without prejudice to the said Preliminary Objection, the answering Respondent is submitting the factual details and answers to the allegations made by the Applicant in the paragraphs below. This may not be taken as acquiesces by the answering Respondent or waiver of the Preliminary Objections by the answering Respondent.

8. The answering Respondent categorically submits before this Hon'ble Tribunal that, the said *Mamasani Kunta* as stated by the Applicant is alleged to have existed in Survey No. 288 of the Puppalguda Village, Gandipet Mandal, RangaReddy District, whereas *Mekasani Kunta* as stated by the Applicant is alleged to have existed in Survey No. 285 of the Puppalguda Village, Gandipet Mandal, RangaReddy District. The applicant for the first time in this case, had referred to *Mekasani Kunta*, in her Additional Application and that there has not even been a miniscule whisper about *Mekasani Kunta* by the Applicant in her initial Application.

9. The answering Respondent is developing and constructing a commercial buildings project in Survey Nos. 285/Part, 286 and 287, totally admeasuring 28 Acres 77.5 Cents, situated at Puppalguda Village, Gandipet Mandal, RangaReddy District. Since the issue at hand pertains only to Survey No. 285, the answering Respondent is hereunder is referring to the detailed title flow of the property as borne by official records. The narrative would also establish that



over the past more than 7 decades the land was under cultivation and no water body ever existed therein.

10. Originally, one Nawab Fakir Yar Jung was the *Pattadar* of the land *inter alia* 10 Acres 42.5 Cents in Survey No. 280, 5 Acres 70 Cents in Survey No. 281 and 17 Acres 75 Cents in Survey No. 285 of Puppalguda Village as recorded in the *Sethwar*. The said Nawab Fakir Yar Jung executed a Lease Deed in favour of one, Patti Nagamma, who is the mother of Patti Devadanam, in the year 1345 Fasli (1935). Thereafter, the said Nawab Fakir Yar Jung migrated to Pakistan during partition. The said Patti Nagamma had been in peaceful possession and continuous enjoyment of the said land as an ordinary tenant. A copy of the *sethwar* pertaining to Sy. No. 285 of the Puppalguda Village prepared in the year 1950 showing Fakir Yar Jung as *Khatedar* (Land Owner) and the nature of land being shown as Dry Land as against Survey No. 285 of Puppalguda Village (in Telugu Language) along with its true translation is annexed herewith as **Annexure - R1**.

11. As the said Nawab Fakir Yar Jung migrated to Pakistan, the land *inter alia* in Survey No. 285 was declared to be an *evacuee property*. The Government of India, Ministry of Rehabilitation, had allotted the land in Survey Nos. 279, 281, 282, 283, 284, 285, 286 and 287, total admeasuring about 85 Acres 77.5 Cents, to a displaced person, namely, Ravinder Kumar Balwani, vide Allotment Order No. HYD/53/9999 dated 16-09-1967 and the Allotment Order No. Hyd/53-A/11005 dated 07-10-1967.

A copy of the Allotment Order of the Government of India, Ministry of Rehabilitation, bearing Ref. No. Hyd/53-A/11005 dated 07-10-1967 is annexed herewith as **Annexure - R2**.



12. The Settlement Commissioner, Government of India, Ministry of Rehabilitation, issued instructions vide Letter No. RSC(B)/Land/Bom/DISP/LTS/3246879/1964 dated 06-05-1964 to all the District Collectors for disposal of agricultural Evacuee Property in favour of the Occupants or tenants. The said Patti Devadanam being a tenant had been in continuous possession and enjoyment of the land in Survey No. 285 of Puppalguda Village since 1935. To confer occupancy right and title, the Government had fixed a certain sum per each standard acre towards value of the said land and also the lease amount for Patti Devadanam to pay. Patti Devadanam remitted huge sums towards the entire value of the land and also paid for lease amounts for the period from the year 1951 to 1994. The said Patti Devadanam (S/o. Patti Nagamma) filed a petition before the concerned competent authorities for transfer of the lands in Survey Nos. 280, 281 and 285 of Puppalguda Village in his favour, as he was a longstanding occupant of the same. The Tahsildar, Hyderabad West Taluk in whose jurisdiction the Survey No. 285, Puppalguda Village falls, had in the year 1979 addressed a letter to the Collector, Rangareddy District vide Letter bearing ref. no. B1/5996/79 dated 30-07-1979, wherein he had categorically referred to the Petition filed by Patti Devadanam, (in the capacity of an Applicant) and further stated that the said Ms. Patti Nagamma and her son Patti Devadanam were in occupation of the lands including land in Survey No. 285 and that Mr. Patti Devadanam's name has been reflecting as the actual cultivator in the Pahanies from 1958 onwards and further stated that the *Qoulnama* (Lease Deed) executed by original *Pattadar* (title holder) before the partition was made in favour of Patti Nagamma, who is the mother of Patti Devadanam and that the said Patti family was in possession of the lands prior to promulgation of the Administration of Evacuee Property Ordinance, 1949. Also, there were various correspondences that referred to the land at



*[Handwritten signature]*

Survey No. 285 being under cultivation. A perusal of the letter addressed by the Revenue Divisional Officer, Chevella Division to the Collector, Rangareddy District bearing ref. Lr. No. H/6005/81 dated 13-05-1983 categorically mentions the said land as being Agricultural lands and being under occupation of Mr. Patti Devadanam.

A copy of the Letter of Settlement Commissioner, Government of India, Ministry of Rehabilitation, bearing ref. No. RSC(B)/Land/Bom/Disp/LTS/3246879/1964 dated 06-05-1964 is annexed herewith as **Annexure - R3**. A copy of the Letter bearing ref. no. B1/5996/79 dated 30-07-1979 addressed by Tahsildar, Hyderabad West Taluk to the Collector, Rangareddy District is annexed herewith as **Annexure - R4**. A copy of the Letter addressed by the Revenue Divisional Officer, Chevella Division to the Collector, Rangareddy District bearing ref. Lr. No. H/6005/81 dated 13-05-1983 is annexed herewith as **Annexure - R4A**. A copy of the correspondences between Patti Devadanam, Tahsildar Hyderabad West, Collector Rangareddy District and Settlement Commissioner are annexed herewith as **Annexure - R5 (Colly)**.

13. The Joint Collector / Settlement Officer, Ranga Reddy District, having considered the proposal of the Tahsildar and on verification of records and having observed the payment of *shist* (revenue assessment) by the said Patti Devadanam, the Joint Collector / Settlement Officer issued a Certificate of Sale bearing No. D3/5189/93 dated 05-01-1995 in favour of the said Patti Devadanam in respect of the land admeasuring 10 Acres 42.5 Cents in Survey No. 280, 5 Acres 70 Cents in Survey No. 281 and 17 Acres 75 Cents in Survey No. 285 of Puppalguda Village in exercise of powers *inter alia* conferred under Section 20, Rule 68 of the Displaced Persons (Compensation & Rehabilitations) Act, 1954 and circulars issued under G. O. Ms. No. 1883, Revenue Department, dated 09-12-1964. Thus, Patti Devadanam has acquired valid title to the land in Survey No. 285.



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*A copy of the Certificate of Sale bearing ref. no. Proc. No. D3/5189/93 dated 05-01-1995 issued by the Joint Collector / Settlement Officer, Ranga Reddy District in favour of Patti Devadanam is annexed herewith as Annexure - R6.*

14. Since the lands in Survey Nos 281 and 285 of Puppalguda Village also constituted a part of the allocation made by the Settlement & Rehabilitation Commissioner, Government of India in favour of a displaced person, Ravinder Kumar Balwani, the process initiated by the Revenue Department for handing over the allotted lands to Ravinder Kumar Balwani could not fructify in so far as the land in occupation and enjoyment of Patti Devadanam is concerned. *A copy of the said letter bearing ref. no. ESC(B)/Land/Hyd-53/6358-50/69 dated 31.10.1969 addressed by Settlement Officer / Dy. Custodian of Evacuee Property, Bombay from the Office of Custodian of Evacuee Property to Ravinder Kumar Balwani through his G.P.A holder Mr. P. Mallikarjun Rao is annexed herewith as Annexure - R7.*

15. It is submitted that, Patti Devadanam in the year 1978 has approached the Office of the Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad for issue of No Objection Certificate in respect of the lands he held, including land at Survey No. 285, Puppalguda Village, which are situated outside the Municipal Limits and that he further requested that a certificate be issued that they are used mainly for agricultural purposes vide his Application dated 20-12-1978. Upon receipt of which, the Additional Special Officer, Urban Land Ceiling, Hyderabad vide his Certificate bearing ref. no. CB/5286/78 dated 16-05-1978 issued a Certificate stating that the lands, including the land at Survey No. 285 at Puppalguda Village is an Agricultural Land, and it was further stated that the aspect of these lands being Agricultural lands is being reflected in revenue records and are used for agricultural purposes as defined in Section 2(O) of the



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Urban Land (Ceiling and Regulation) Act, 1976 read with a clarification contained in a Memo issued by the Government of Andhra Pradesh vide Memo No. 6922/U.C.I/76 dated 31-01-1977 and had concluded by categorically stating that "the said lands are not attracted by the provisions of the Urban Land Ceiling Act as they are being put to agricultural purposes, which clearly shows that the said land is a cultivable land.

*A copy of the Certificate issued by the Additional Special Officer, Urban Land Ceiling, Hyderabad (O/o the Special Officer & Competent Authority, Urban Land Ceiling, Hyderabad) bearing ref. no. CB/5286/78 dated 16-05-1978 issued in favour of Patti Devadanam is annexed herewith as Annexure - R8.*

16. The said Patti Devadanam was in the occupation of the land in Survey Nos. 281, 282, 283 and 285 admeasuring about 51 Acres 65 Cents. Consequently, there arose disputes between the said Ravinder Kumar Balwani and Patti Devadanam. Finally, on the advice of the elderly persons, both the said Ravinder Kumar Balwani and Patti Devadanam mutually settled their disputes amicably and the said Ravinder Kumar Balwani, through his power of attorney holder, Dr. P. Mallikarjuna Rao had entered into a compromise with Patti Devadanam vide Agreement of Compromise Deed dated 08-12-1995. As per the terms of the said Agreement of Compromise, the said Ravinder Kumar Balwani took possession of the land admeasuring 28 Acres 27.5 Cents in Survey Nos. 282 and 283 of Puppalguda Village and the said Patti Devadanam took possession of the land admeasuring 23 Acres 27.5 Cents in Survey Nos. 281 and 285 of Puppalguda Village. To that effect, the said P. Mallikarjuna, being GPA of Ravinder Kumar Balwani, sworn and signed the affidavit dated 08-12-1995, which was also recorded on the File No. B/763/96 of the Mandal Revenue Officer through joint statement issued by Dr. Mallikarjun Rao (GPA holder of Ravinder Kumar

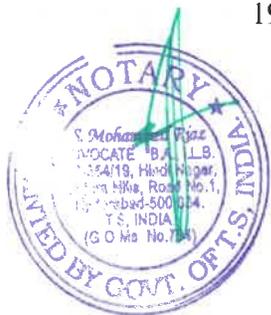


Balwani) and Patti Devadanam by which Patti Devadanam became the absolute owner and possessor of the land admeasuring 17 Acres 75 Cents in Survey No. 285 of Puppalguda Village. A copy of the said Joint Statement issued by Dr. Mallikarjun Rao (GPA of Ravinder Kumar Balwani) and Patti Devadanam dated xx.03.1996 is annexed herewith as Annexure - R9.

17. It is submitted that, the Commissioner, Survey Settlement & Land Records, Hyderabad has called for factual report from the Collector, Rangareddy District, to which the Collector, Rangareddy District has replied vide Letter bearing ref. no. D3/809/96 dated 09-04-1997 in which he has clearly stated that the land at Survey No. 285, Puppalguda is a 'Jeri-Nigrani Custodian' land, showing Patti Devadanam as an Occupant. A copy of the letter addressed by Collector, Rangareddy District to the Commissioner, Survey Settlement & Land Records, Hyderabad vide Letter bearing reference no. D3/809/96 dated 09-04-1997 is annexed herewith as Annexure - R 10.

18. The said Patti Devadanam and his sons, namely, Patti Raju, Patti Govardhan, Patti Srikanth and Patti Praveen Kumar executed the Agreement of Sale cum General Power of Attorney dated 28-03-2002 in favour of V. Ramachandra Rao to an extent of 10.00 Acres. The said Agreement of Sale cum GPA was validated by the District Registrar of Ranga Reddy vide his endorsement in File No. 3649/G1/2002 dated 22-08-2002.

19. As the entire extent of land admeasuring 17 Acres 75 Cents is now conveyed differently by splitting the same under various extents, the answering



Respondent for the sake of lucid understanding, describes the title flow, extent wise hereunder.

**a. 6 Acres 50 Cents**

- i. *The said V. Ramachandra Rao, in his name and on behalf of his principals, namely, Patti Raju, Patti Govardhan, Patti Srikanth and Patti Praveen Kumar, executed a Sale Deed, in favour of T. Preethi, vide Sale Deed dated 02-06-2003 registered as Document No. 6788/2003 before the Sub-Registrar of Assurances - Rangareddy, in respect of 4 Acres 50 Cents out of the said land admeasuring 10 Acres in Survey No. 285/part of Puppalguda Village.*
- ii. *Similarly, the said V. Ramachandra Rao, in his name and on behalf of his principals, namely, Patti Raju, Patti Govardhan, Patti Srikanth and Patti Praveen Kumar, executed a Sale Deed, in favour of T. Sowmya, vide Sale Deed dated 04-06-2003 registered as Document No. 6909/2003 before the Sub-Registrar of Assurances - Rangareddy, in respect of 5 Acres 50 Cents out of the said land admeasuring 10 Acres in Survey No. 285/part of Puppalguda Village.*
- iii. *It appears that the said V. Ramachandra Rao also entered into an agreement with I. Nagender Rao, Pendyala Krishna Murthy, Minumula Janardhan Reddy, Bheem Reddy and G. Sreenivasa Rao in respect of the said land 10 Acres in Survey No. 285/part of Puppalguda Village and the same was settled inter se amongst the parties.*
- iv. *Subsequently, out of the said extent of land admeasuring 10 Acres in Survey No. 285/part of Puppalguda Village, the following persons had become absolute owners and possessors as stated hereunder-*

1. *The said T. Preethi and T. Sowmya became the absolute owners and possessors to the extent of 5 Acres;*



*Sowmya*

2. *The said I. Nagender Rao became the absolute owner and possessor to the extent of 50 Cents;*
  3. *The said P. Krishna Murthy, M. Janardhan Reddy, Bheem Reddy and G. Sreenivasa Rao became absolute owner and possessor to the extent of 25 Cents each; i.e. 1 Acre.*
  4. *The said P. Raju, P. Goverdhan, P. Srikanth and P. Praveen became the absolute owners and possessors to the extent of 3 Acres 50 Cents; and*
  5. *The said B. Veena, M. V. Vijaya Laxmi and A. Radhika relinquished all their rights, title and interests in the said land.*
- v. *Out of the said land admeasuring 10 Acres in Survey No. 285/Part of Puppalguda Village, The Deputy Collector & Tahsildar, Rajendranagar Mandal, by his Orders dated 25-01-2014 in Proceedings No. B/2824/2013, mutated the land admeasuring 6 Acres 50 Cents in the names of T. Preethi, T. Sowmya, I. Nagender, P. Krishna Murthy, M. Janardhan Reddy, Bheem Reddy and G. Sreenivasa Rao in the revenue records and issued the Title Deeds and Pass Books.*
- A tabular representation containing the Name of the Owner, Patta No., Title Deed/Pass Book No. and respective extents pertaining to 6 Acres 50 Cents out of larger extent of 10 Acres in Survey No. 285/Part of Puppalguda Village is annexed herewith as Annexure - R11.*
- vi. *The said Pendyala Krishna Murthy gifted his portion of land admeasuring 25 Cents in Survey No. 285 of Puppalguda Village to one, G. Sravan Reddy, vide Gift Deed dated 12-11-2014 registered as Document No. 5555/2014 duly registered before the Office of Sub-Registrar of Assurances - Rangareddy, Gandipet.*
- vii. *As a safe measure and in order to avoid any future litigations from Ravinder Kumar Balwani, the said T. Preethi and T. Sowmya,*

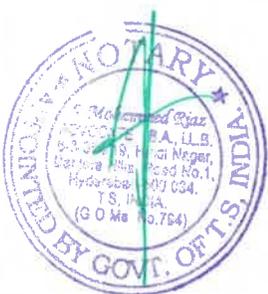


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respectively in turn got the two Sale Deeds, i.e. (a) Sale Deed dated 02-06-2003 registered as Document No. 6788/2003 in the Office of the District Registrar of Ranga Reddy; and (b) Sale Deed dated 04-06-2003 registered as Document No. 6909/2003 in the Office of the District Registrar of Ranga Reddy, respectively which were also ratified by the said Ravinder Kumar Balwani, through his power of attorney, vide (c) Ratification Deed dated 02-04-2016 registered as Document No. 3514/2016 in the Office of the Sub-Registrar of Kukatpally; and (d) Ratification Deed dated 02-04-2016 registered as Document No. 3313/2016 in the Office of the Sub-Registrar of Kukatpally in the respective manner.

viii. Thus, the said T. Preethi, T. Sowmya, I. Nagender Rao, G. Sravan Reddy, Minumula Janardhan Reddy, Bheem Reddy and G. Sreenivasa Rao became the absolute owners and peaceful possessors of the land admeasuring 6 Acres 50 Cents in Survey No. 285/part of Puppalguda Village, Gandipet Mandal (earlier within Rajendranagar Mandal), Ranga Reddy District.

ix. The said T. Preethi, T. Sowmya, I. Nagender Rao, G. Sravan Reddy, Minumula Janardhan Reddy, Bheem Reddy and G. Sreenivasa Rao, who are the absolute owners and peaceful possessors of the land admeasuring 6 Acres 50 Cents in Survey No. 285/part of Puppalguda Village, have entered into a Development Agreement with Phoenix Spaces Private Limited, i.e. the answering Respondent herein vide Joint Development Agreement dated 24-11-2014, duly registered as Document no. 882 of 2015 before the Sub-Registrar of Assurances – Rangareddy District thereby conveying the right, title and authority to develop and construct in the said extent of land admeasuring 6 Acres 50 Cents at Survey No. 285/Part, Puppalguda Village. There have been multiple addendums and



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amendments made to the Joint Development Agreement dated 24-11-2014, which for the sake of brevity is not described in this reply.

**b. 7 Acres 75 Cents**

- i. Patti Devadanam and his son, Patti P. Srikanth Rao, sold the land admeasuring 7 Acres 75 Cents in Sy. No. 285 of Puppalguda Village to Syna R. Kutty vide (a) Sale Deed dated 29-07-1993 duly registered as Document No. 6490/1993 before the Office of the District Registrar of Assurances - Ranga Reddy to the extent of 5 Acres; and (b) Sale Deed dated 31-03-1995 registered as Document No. 4971/1995 before the Office of the District Registrar of Assurances - Ranga Reddy to the extent of 2 Acres 75 Cents.
- ii. In order to avoid any future litigations from Ravinder Kumar Balwani, the said Syna R. Kutty in turn got the two Sale Deeds, i.e. (a) Sale Deed dated 29-07-1993 registered as Document No. 6490/1993 in the Office of the District Registrar of Ranga Reddy; and (b) Sale Deed dated 31-03-1995 registered as Document No. 4971/1995 in the Office of the District Registrar of Ranga Reddy, were ratified by the said Ravinder Kumar Balwani, through his power of attorney, vide (c) Ratification Deed dated 03-03-2016 registered as Document No. 2279/2016 in the Office of the Sub-Registrar of Kukatpally; and (d) Ratification Deed dated 03-03-2016 registered as Document No. 2280/2016 in the Office of the Sub-Registrar of Kukatpally.
- iii. Out of the land admeasuring 7 Acres 75 Cents in Survey No. 285/part of Puppalguda Village purchased by the said Syna R. Kutty, she had gifted 2 Acres to her two daughters, (a) Nayanatara Kutty to the extent of 1 Acre 25 Cents vide Gift Deed dated 16-08-2017 registered as Document No. 5357/ 2017 before the Sub-Registrar of Assurances - Rangareddy, Gandipet; and (b) Namita Kutty to the extent of 75 Cents vide Gift Deed



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dated 24-08-2017 registered as Document No. 5641/2017 before the Sub-Registrar of Assurances – Rangareddy, Gandipet. After the said Gift Deeds, the said Syna R. Kutty remained the owner and possessor of the land in Survey No. 285/part to the extent of 5 Acres 75 Cents.

- iv. The said Syna R. Kutty, Namita Kutty and Nayantara Kutty together entered into a Development Agreement cum General Power of Attorney dated 07-10-2017 duly registered as Document No. 6789/2017 with Phoenix Spaces Private Limited, i.e. the answering Respondent herein for developing the said land admeasuring 7 Acres 75 Cents in Survey No. 285/part of Puppalguda Village with the adjoining land.
- v. Subsequently, Namita Kutty and Nayantara Kutty sold their entire extents of land, i.e., 75 Cents and 1 Acre 25 Cents, respectively, in Survey No. 285/Part situated at Puppalguda Village & Gram Panchayat, Gandipet Mandal, Ranga Reddy District, to Phoenix Spaces Private Limited, i.e. the answering Respondent herein vide (a) Sale Deed dated 06-01-2018 registered as Document No. 151/2018 and (b) the Sale Deed dated 03-03-2018 registered as Document No 2008/2018, respectively before the Sub-Registrar of Assurances – Rangareddy District, Gandipet.
- vi. Out of the land admeasuring 5 Acres 75 Cents in Survey No. 285/Part of Puppalguda Village held by her, the said Syna R. Kutty sold an extent of 1 Acre to Phoenix Spaces Private Limited, i.e. the answering Respondent herein, vide Sale Deed dated 20-02-2018 registered as Document No. 1620/2018 before the Sub-Registrar of Assurances – Rangareddy District, Gandipet. After sale of the said extent of 1 Acre to Phoenix Spaces Private Limited, i.e. the answering Respondent herein, the said Syna R. Kutty remained the owner of the land in Survey No. 285/Part of Puppalguda Village to the extent of 4 Acres 75 Cents. The answering Respondent



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became the absolute owner and possessor of the land in the Survey No. 285/Part of Puppalguda Village to the extent of 3 Acres.

20. It is submitted that the answering Respondent by virtue of two Development Agreements and three Sale Deeds, has derived the right, title and authority to develop and construct in a total area of 14 Acres 25 Cents ( 11 Acres 25 Cents by way of Development Agreements and 3 Acres of land which was directly purchased).

21. It is submitted that, at all times, the said Survey No. 285 or Survey No. 285/Part (which forms part of 285 and is labelled as 285/Part after sub division of Survey number) was a cultivable land which is a fact borne by records and with absolutely no presence of any water body at any point of time and there has been no mention of presence of any water body in any records, except for the village map, which appears to be mechanically prepared or without just and proper application of mind without reference to the situation obtained at the site. The same is a gross carriage of mistake.

22. It is submitted that, *Sethwar* is the very first revenue document that the Hyderabad State Government has introduced for maintaining records of the possessors and owners of the lands, which was introduced in 1950 immediately after formation of the Hyderabad State. *Sethwar* is also regarded as the king of all the registers. *Sethwar* is a statutory document prepared after conducting due enquiry with regard to the physical features of the land & title, possession & Interest of any individual(s) over the land. It contains complete details of survey number, *Patta* / grant, *gairan* / *inam*, name of the possessor, total area, rate of assessment, final assessment in case of wet lands, sources of irrigation, etc. If a water body ever existed in the said land, it would've found a mention in *Sethwar*.



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The perusal of *Sethwar* goes to show that the said land was classified as a Dry Land and was also assessed for land revenue. *Sethwar* is filed as *Annexure - R1*.

23. All the *Pahanis* since 1950 show cultivation on the said land. The column no. 6 in the *Pahanis* contain the description "*Shisht to be collected as per Sethwar*", which indicates that revenue has been collected as Rs. 11 for 1952, 1953 and Rs.11/91 for 1954; and Rs. 96 from 1958 onwards, respectively. It is thus very clear as per the *Sethwar* and as per the ensuing *Pahanis*, which contains the relevant entries pertaining to collection of *shist*, which is a clear indication of the land under cultivation and that it is of agricultural nature, which is a fact which can be corroborated as mentioned by the Tahsildar, Hyderabad West Taluk in his letter to the Collector, Rangareddy District vide Letter bearing ref. no. B1/5996/79 dated 30-07-1979 and also there was not even a passing mention or remote reference in respect of presence or existence of any water body of any nature whatsoever. In column no. 12, the column of "*Nature of Occupancy*", it is shown as *Jigre-Nigari - custodian sarkari*, which means that the said land is under control of custodian of evacuee property, Government of India and that there is *Abi Jowar Crop* under cultivation, i.e. cultivation of *Kharif Jowar Crop*. Also, in Column No. 19, the column of "*Crops Grown*" it was shown as "*Rabi Jonna, Wari*" for the year 1952 and "*Paddy, 53 Mausambi, 21 Mamidi, 19 Tuttiru trees, etc*" for the years 1958-1959 and onwards. A copy of the *Pahanis* from the year 1950s onwards are filed herewith as *Annexure - R11A (Colly)*.

24. Contrary to the afore stated voluminous revenue record spread over a number of decades, it was found that, erroneously a water body was shown in the master plan of Hyderabad by transposing the same from the village map without conducting any verification or enquiry in the field, much less ascertaining the



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nature of alleged waterbody. The owners of the land, i.e. T. Sowmya and T. Preethi had to approach the State Government and HMDA authorities to correct the said erroneous depiction of water body in the master plan of Hyderabad in respect of Survey No. 285. On the representations made by the said Owners, the issue relating to existence of water body in Survey No. 285 was enquired into by the State Government and HMDA authorities in consultation with the Irrigation department. On verification of past revenue records, it was found that a water body never existed in Survey No. 285. The details of some of the relevant proceedings of Government Authorities in the process of such verification are stated herein below.

- a. It is submitted that in the year 2008, the Government of Telangana through its Municipal Administration and Urban Development Department had issued a Government Order vide G.O. Ms. No. 288 dated 03-04-2008 wherein there were extensive modifications done to the Master Plan of Hyderabad, the land at Survey No. 285, Puppalguda Village was categorically shown as a Survey Number earmarked for Residential Use, even though there was a specific mention of land use zoning containing a provision for water bodies. *A copy of the said Government Order vide G.O.Ms.No. 288 dated 03-04-2008 issued by the Municipal Administration and Urban Development Department, Government of Telangana is annexed herewith as Annexure - R 12.*

- b. It is submitted that, despite the said changes being made, not effectuated in the Master Plan, a representation was made by the land owner, upon which the Principal Secretary, Municipal administration & Urban Development has sought technical remarks on the same from the Metropolitan Commissioner, HMDA to which the Metropolitan



Commissioner vide his Letter dated 17-07-2010 bearing ref. no. 1675/MP1/Plg/HMDA/2010 has categorically stated that there is no water body, except an embankment, which further goes to show the non-existence of any water body. A copy of the Letter addressed by the Metropolitan Commissioner, HMDA to the Principal Secretary, Municipal Administration & Urban Development bearing ref. no. -1675/MP1/Plg/HMDA/2010 dated 17-07-2010 is annexed herewith as **Annexure - R13.**

- c. It is submitted that after various representations made by the then land owners in respect of Survey No. 285, Puppalguda Village, the Metropolitan Commissioner, HMDA has sought remarks from the Executive Engineer, North Tanks Division (Irrigation Department), to which the Executive Engineer, North Tanks Division in whose jurisdiction, the Survey No. 285, Puppalguda falls, has replied to the Metropolitan Commissioner, HMDA vide Letter bearing ref. no. EE/NTD/HD/DB/2014/120 dated 05.02.2014 wherein the Executive Engineer has categorically stated that, as per the list of tanks available with the Office of Executive Engineer, there was no source by name *Mekasani* *Kunta.*

A copy of the Letter addressed by the Executive Engineer, North Tanks Division to the Metropolitan Commissioner, HMDA bearing ref. no. EE/NTD/HD/DB/2014/120 dated 05.02.2014 is annexed herewith as **Annexure - R14.**

- d. Subsequently, the Principal Secretary, MA&UD has addressed a letter to the Metropolitan Commissioner, HMDA vide Letter No. 1617/1/2015-1 dated 25-03-2015 stating that, the change of land use as effected by the



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Government in the immediate preceding notified Master Plan from time to time shall continue to prevail irrespective of the land use zone proposed in the Metropolitan Development Plan - 2031, i.e. as earlier notified as Residential zone vide G.O.Ms.No. 288 dated 03-04-2008 issued by the Municipal Administration and Urban Development Department, Government of Telangana.

A copy of the letter addressed by Principal Secretary, Municipal Administration & Urban Development to the Metropolitan Commissioner, HMDA vide Letter bearing ref. no. Letter No. 1617/1/2015-1 dated 25-03-2015 is annexed herewith as Annexure - R 15.

- e. It is submitted, that pursuant to the aforementioned Letter and various other correspondences, the Metropolitan Commissioner, HMDA has sought specific remarks from the Collector, RangaReddy District, to which the Collector has replied vide Letter bearing ref. no. Lr.No.D3/1838/2016 dated 07-01-2017, wherein the Collector, Rangareddy District specifically referred to the history of the property at Survey No. 285, Puppalguda Village and that as per the aforementioned G.O.Ms. No. 288 (MA&UD) dated 03.04.2008, this land use was classified as that of residential use and referred to multiple documents, which are specified hereunder.

- i. The Collector stated that, as per the HMDA letter communication No. 1617/HMDA/Dev/L&P/RTI/2016 dated 21-01-2016, there are a total of 46 water bodies in Rajendra Nagar and Gandipet Mandals and that the name *Mekasani Kunta* is not found in the said list.



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- ii. The Collector also stated that, as per the letter No. E5/7030/2000 dated 28-11-2000 addressed by the Collector, Rangareddy District to the Secretary, Revenue Department, Government of Andhra Pradesh , the said *Mekasani Kunta* is not found in the list of water bodies.
- iii. The Collector also stated that, as per the letter issued by the Irrigation and CAD Department, Government of Telangana bearing ref. no. Lr.No.DEE/2910/NTD/RTI/2016/8 dated 01-02-2016 and 21-12-2016 in respect of lakes and water bodies, the name of the said *Mekasani Kunta* is not found.
- iv. The Collector also stated that, as per the Gazette No. 403 issued by the Revenue Department, containing the list of lands covered by tanks or *kuntas* of Rangareddy District vide G.O.Ms.No.647 (Revenue R-1 Department) dated 03-10-2001, the said *Mekasani Kunta* does not exist.
- v. The Collector further stated that, as per the updated list sent by the office of the Superintending Engineer - I & CAD Department, Rangareddy District, there are a total of about 2851 water bodies in Rangareddy District, but the said *Mekasani Kunta* was not found in the said list in respect of Gandipet Mandal.
- vi. The Collector also observed that the Tahsildar, Gandipet Mandal has reported that, the land in Survey No. 285, Puppalguda Village is classified as a *Patta* Land and also as per the *Pahanies* from 1952 onwards, there has been record of cultivation in Column no. 13 and that there was no mention of water body in any of the *Pahanies*.



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25. The Collector, Rangareddy District having examined the available facts, had conclusively opined that there was no water body at Survey No. 285, Puppalguda Village and specified that the same was evident from all the records as referred by him in the said letter addressed to the Metropolitan Commissioner, HMDA.

*A copy of the Letter addressed by the Collector, Rangareddy District to the Metropolitan Commissioner, HMDA bearing ref. no. Lr.No.D3/1838/2016 dated 17-01-2017 is annexed herewith as Annexure - R16.*

26. It is submitted that, the said *Mekasani Kunta* does not find place in any of the notified water bodies lists or in list of tanks, as maintained by the Irrigation Department and revised from time to time. A Notification of Full Tank Level Boundaries and Buffer Zones of Lakes / Water Bodies in Hyderabad Metropolitan Region as notified by the HMDA vide its Notification bearing no. 1404/HMDA/EE/L&P/2013-14/12 dated 03-12-2014 contains list of all the lakes and water bodies in the HMDA region, which also does not contain the name of *Mekasani Kunta* in the list. The list of Lakes / Water bodies in Rangareddy District under GHMC jurisdiction, as maintained by North Tanks Division, which was furnished under the extant provisions of the Right to Information Act vide RTI Application bearing Letter No. DEE1&PIO/NTD/RTI/2016 dated 29-01-2016 also does not contain any tank by name *Mekasani Kunta*. *A copy of the notification of Full Tank Level Boundaries and Buffer Zones of Lakes / Water Bodies in Hyderabad Metropolitan Region as notified by the HMDA vide its notification bearing no. 1404/HMDA/EE/L&P/2013-14/12 dated 03-12-2014 and information furnished vide RTI Application bearing Letter No. DEE1&PIO/NTD/RTI/2016 dated 29-01-2016, are annexed herewith as Annexure - R17 and Annexure - R18, respectively.*



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27. A bare perusal of the Google Maps Satellite Views of the Survey No. 285 from the year 2008 onwards until recent, goes to show that there has been cultivation going on in Survey No. 285, Puppalguda Village. The said fact is to be given credence especially, when in each year due to the respective cultivations undertaken, the satellite pictures of the land as available in the Google Maps Satellite View Service, when seen under satellite view, the pictures of the land and the vegetation therein shows varying shapes in the images from time to time, due to the change in vegetation / cultivation from time to time. *A copy of the Google Maps Satellite View Image Files from the year 2008 onwards until date are filed herewith as Annexure - R19.*

28. The lists of water bodies as aforementioned, read together with the letters and correspondences referred in this Reply specifically go to show that there never existed any water body, even hypothetically or otherwise from early 1930s onwards, as during that period, Patti Nagamma, mother of Patti Devadanam entered into a *Qoulnama* (Lease) with Nawab Fakeer Yar Jung and subsequently, was in possession and cultivation as per *Sethuar* and *Pahanis* from 1950s onwards, which clearly show cultivation columns being filled with various crops and assessments being paid and until recently, the reports of various authorities which state that there is no water body or much less presence of any water in Survey No. 285, Puppalguda Village.

29. It is submitted that, the answering Respondent has in due compliance with the requirements of law, applied for and obtained various approvals, licenses, consents and permissions from various statutory authorities and the answering Respondent has already invested significant amounts for development of the project.



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30. The land at Survey No. 285, Puppalguda was issued a formal approval for setting up of a sector specific Special Economic Zone for IT/ITES from the Ministry of Commerce & Industry Department of Commerce on 31-03-2017, thereby designating the land at Survey No. 285 as a Special Economic Zone (SEZ) under the extant provisions of the Special Economic Zones Act, 2005 and as per the applicable Rules and Regulations thereunder.
31. The answering Respondent also applied for No Objection Certificates (NOCs) from the Airports Authority of India (AAI), which was provided after due compliances in the year 2017.
32. The answering Respondent secured the first Environmental Clearance from State Environment Impact Assessment Authority on 08.03.2018 and thereafter there were further clearances sought upon revisions being made to the site, which was permitted after due compliance of processes and after satisfying the statutory requirements by the Applicant - answering Respondent.
33. Since the land in Survey No. 285, Puppalguda has been notified as included under Puppalguda Industrial Park, by transferring *inter alia* the powers and functions of the said Survey No. 285, Puppalguda Village from Gram Panchayat, Puppalguda Village to Telangana State Industrial Infrastructure Corporation (TSIIC) vide G.O.Ms.No. 29 dated 01-06-2018, the answering Respondent approached the TSIIC *inter alia* for Build Permit Orders and accordingly after complying with the due processes and incorporating the necessary changes as suggested by TSIIC authorities, the answering Respondent has secured the requisite Build Permit Orders. Other necessary permissions such as Fire, etc have also been obtained by the answering Respondent by maintaining complete compliance with the relevant rules, authorities, and processes therein.



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34. The answering Respondent has been undertaking construction in the land of the answering Respondent, only after securing the appropriate, requisite and necessary permissions and approvals. The answering Respondent has been investing significant amounts into the project, backed up by years of planning and currently being executed under skilled workforce, to maintain industry leading commercial standard construction quality with the sole objective to provide world-class work environment for firms / companies to come, invest and setup their offices by providing skilled and semi-skilled employment to local workforce, leading to enhancement of the local work standards and lifestyle of the direct and indirect stakeholders.

35. The Applicant herein through her Additional Application has filed this Additional Application at a belated stage, especially after filing of Reply to the Application by the answering Respondent and other Respondents in the main Application, only with a *mala fide* intention and as it appears, is very much motivated, specifically for the reason of preferring an additional application without there being any relevance or connection to the initial application filed by her. The Applicant through this Additional Application is attempting to bring in a concocted new case with a set of incorrect and invented facts under the guise of the present case.

36. The entire case of the Applicant is based only on three documents, i.e. Village Map, Topo Map and HMDA Master Plan 2031. It is to be observed that the said erroneously prepared documents, i.e. Village Map and Topo Map was thereafter mechanically continued till date. The said fact of mechanically continuing till date can be substantiated and established, by the entries made in the revenue records commencing from *Sethwar, Pahanies*, correspondences between the authorities, factual observations made and the lists of lakes / water bodies



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maintained with statutory authorities, all of them read together point out towards cultivation activity at Survey No. 285, Puppalguda, as there were revenue assessments which were being paid by the Occupants, in whose favour the title was crystallised. Therefore, the aspect of *Mekasani Kunta* being visible in the Village Map cannot be the only source of identity for the alleged presence of water body in Survey No. 285, Puppalguda. Also, the date of preparation of Village Map is not reflected over the map, further calling into question the date of drawing of the maps. Even assuming that the Topo Map is to be lent credence, the same cannot be relied upon for the simple fact of there being voluminous evidence of cultivation activity with the Tahsildar which dates back to more than 50 (fifty) years, as per the revenue records and that the same was made mechanically without taking on-the-ground factors into consideration. The HMDA Master Plan 2031 is prepared based only by mechanically superimposing the Village Map of Puppalguda Village and affixing the land usage guidelines over the same. Even assuming that the HMDA Master Plan 2031 is to be taken on face value, the authority which has issued the same, has also changed the land use from water body to Residential and thereafter to the present stage. There have been various times including the last instance, i.e. on 31-05-2019 vide Memo No. 14457/Plg.I/2018 wherein the Principal Secretary to Government, MA&UD had specifically directed the Metropolitan Commissioner, HMDA to implement the land use particulars of Survey No. 285 issued by G.O.Ms. No. 288 dated 03-04-2008 and that the Principal Secretary, MA&UD asked the Metropolitan Commissioner, HMDA to furnish a copy of the Master Plan after incorporating the changes made in consonance with the G.O.Ms. No. 288 dated 03-04-2008 without any further delay.

*A copy of the Memo issued by Principal Secretary to Government, Municipal Administration & Urban Development directing the Metropolitan Commissioner,*



HMDA vide Memo No. 14457/Plg.I/2018 dated 31-05-2019 is annexed herewith as Annexure - R20.

37. The answering Respondent specifically addresses the averments mentioned by the Applicant in the instant Additional Application, as follows:

- a. In response to Part I of the Additional Application, the Applicant refers to list of certain permissions. The answering Respondent without adverting to its veracity, states that the same are matters of factual nature and are borne by record and need no traversal.
- b. In response to Part II - A, Submission No. 1 and Part II-C Submission 8 of the Additional Application, the Applicant refers to land filing of alleged *Mamasani Kunta* and the Applicant places reliance on the google maps satellite imagery by stating that there has been landfilling made by the answering Respondent. The answering Respondent denies the said allegation and further states that no land filling activity of any nature was conducted by the answering Respondent. Merely due to the change in the visibility of the images cannot be attributed to alleged land filling activity and that there have been many such images in earlier times closely resembling the images which have been relied upon the applicant and that such a vague and bald allegation based only on google maps imagery cannot hold good and that the works in the project have commenced only after the due permissions have been received, including the blasting of the rocks. A fair comparison of the Picture 1 and Picture 2 satellite images as filed by the Applicant goes to show that the entire region(not limiting to the area demarcated in pink line) under the google maps image looks different in March 14, 2018 as compared to November 11, 2016. The entire area looks more brighter and visibly less plantation / greenery, a fact which is visible to the naked eye. Such change of optics in the region



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cannot be attributed to the answering Respondent and going by the submissions of the Applicant, the entire region covered under map which became brighter and looked different from while ago, should have been land filled, which reasonably cannot be the case. There are various factors that influence the satellite imagery, such as the presence of cloud cover at that point of time in the sky above the area which is being captured, the time of the day, the season (Rainy / Summer / Winter). Much irrelevant information such as blasting, etc was referred to, which is only irrelevant and nowhere concerned with the submission urged by the Applicant. Therefore, the Applicant has resorted to making allegations only on the ground of existence of certain images, obtained from a public search platform, by building a false narrative over the same, for which exists no scientific basis or lack thereof, only goes to show the brittle nature and shallowness, on which such claims have been made against the answering Respondent.

- c. In response to Part II - A, Submission Nos. 2 and 4, the Applicant refers to Revenue Map, Topo map, HUDA Master Plan and HMDA Master Plan alleging presence of water body and bases the allegation on the HUDA Master Plan and HMDA Master Plan 2031. The answering Respondent denies any such allegations *in-toto* and as stated in the preceding averments of this Reply, the basis of HUDA Master Plan, HMDA Master Plan 2031 and topo map have been dealt in detail, wherein it was stated that the same has been continuing mechanically by superimposing from the erroneously prepared Village Map and the correspondence between officials and various departments since mid 1900s onwards, wherein the predecessors-in-interest of the answering Respondent have been categorically shown to be in cultivation since *Sethwar* and their



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representations to various authorities stating the non-existence of water body to which the authorities have responded and conducted various inspections and surveys (including NOC from Irrigation authorities) and have duly arrived at the non-existence of any such water body. Also, the aspect of flow of water near Survey No. 285 was never inside the land under construction, but was beside the land, for which the answering Respondent had got conducted the works for the proper pipe laying as part of restoration efforts, as also evident form the correspondence between Metropolitan Commissioner, HMDA and the Principal Secretary, Municipal Administration & Urban Development, as referred in the earlier part of this reply. There are various correspondences which form part of public records that the authorities have written to the HUDA, presently HMDA authorities for reflecting the changed classification of land (change sought only in the map, whereas the HMDA office records are clear that it is not a water body) from the erstwhile erroneous water body, which the officials are yet to effectuate, as evident form the recent communication vide Memo issued by Principal Secretary to Government, MA&UD directing the Metropolitan Commissioner, HMDA vide Memo No. 14457/Plg.I/2018 dated 31-05-2019 to effectuate such change and therefore, when the records of HMDA authorities itself show that the land is not a water body, then the question of reliance by the Applicant on HUDA Master Plan and HMDA Master Plan 2031 does not arise, leave alone warranting any observation.

- d. In response to Part II -A, Submission No. 3, the Applicant refers to recent survey by the MRO, Gandipet showing *Mekasani Kunta* and alleges the same has not been considered while giving permissions. The answering Respondent denies the said and states that the facts as stated in the



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preceding paragraph (response to Part II - Submission No. 2 & 4) are to be read together as part of this paragraph. It is categorically stated that the revenue maps till date are based on the erroneously prepared Village Map and definitely even a survey conducted today for drawing by a revenue department official shows the area containing the *Mekasani Kunta* as the map remains unchanged and it is only after categorical inspections by various authorities, including that of the Irrigation Authorities and only after receiving No-Objection Certificate and after there being confirmation on non-existence of water body, were the permissions granted and no permission can be said to be granted overriding factual circumstances on the ground. Even hypothetically assuming the presence of a water body, as visible in the erroneously prepared Village Map, the same is not part of any records held by any public authorities from formation of Hyderabad Capital until date and time and again have been reaffirmed by the authorities, which only disavows the claim made by the Applicant.

- e. In response to Part II-B, Submission No. 1 of the Additional Application, the Applicant refers to the date of issue of permission as "31 Dec 1899" as a false information and attributes it to the answering Respondent. The answering Respondent denies the said allegation and further states that, mere programming error on part of the government website (PariveshWebiste) from which the Applicant has obtained information without verifying office records or by way of filing a certified or a true copy, cannot be in anyway attributed to the liability of any department or any person, including the answering Respondent. The triviality of the nature of the submissions / allegations made by the Applicant in her Additional Application only goes to show the vendetta being exercised by the Applicant against the answering Respondent, to which the answering



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Respondent, being rightful did not want to concede to Applicant's extortionist behaviour and this submission is an absolute proof of the moonshine manner in which the Applicant is putting up a false case against the answering Respondent. Such casual and lackadaisical attitude of the Applicant warrants imposition of heavy costs upon the Applicant for indulging in such speculative litigation and for wasting the valuable and judicious time of this Hon'ble Tribunal through such submissions.

- f. In response to Part II-B, Submission No. 2& 3 of the Additional Application, the Applicant refers to the Above Mean Sea Levels (AMSL) in the site of the construction, which is subject matter of various statutory permissions and alleges that the AMSL levels in the subject land were not shown correctly and further states that there are undulations. The answering Respondent categorically denies any aspect of the data being wrongly presented / mentioned in the applications for various permissions, including that of the No Objection Certificates (NOCs) issued by Airports Authority of India (AAI) and for applications made to State Expert Appraisal Committee (SEAC), Telangana. The answering Respondent submits that a detailed presentation about the nature of the land in which permissions were sought by way of applications, were made before the SEAC including the details of the contour plan, in the presentation given in the meeting of the SEAC held on 21.04.2018. It is further submitted that, assuming without conceding, the presence of undulations in property subject matter of Approvals before SEAC does not in anyway affect the outcome of the SEAC and it goes to show the irrelevance and triviality of the nature of the allegations being levelled by the Applicant, without there being any basis for the same.



g. In response to Part II-B, Submission Nos. 4 to 7 of the Additional Application, the Applicant refers to various issues concerning the uploading of Topo Maps, KML Maps (a type of file containing a saved area of a particular place as taken from Google Maps) and demarcation of the boundaries of the project and states that the same were not uploaded correctly. The answering Respondent categorically denies any information not being filled / left un-complied by the answering Respondent and submits that the answering Respondent has complied with all the relevant and applicable laws and provisions relating to the respective approvals from various departments. Since the Applicant has foisted this Application only based on the documents as made available online by the respective departments, the Applicant had based her claim solely on the information uploaded online on various websites and had not resorted to verifying the same at the offices of the respective departments and therefore, has failed miserably in verifying the permissions / approval data as per actual office records and based her claim only on the data as per respective departmental websites, which due to various technical issues only one document per application was being reflected instead of the entire record and it is only under that pretext the applicant chose to exercise her grievances before this Hon'ble Tribunal by making various allegations and submissions, all of which are based only on trivial parameters, such as file not uploaded, date incorrect, etc which are nothing but clerical / technical issues which the departments face in their usual course of business of uploading data in the websites and the same cannot be allowed to be used as a weapon for exploitation by the Applicant. Such half-baked, misconceived Applications and the contentions based without any verification of records deserves to be



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dismissed and the Applicant must be imposed upon with huge costs for the Applicant trying to leverage the clerical mistakes of the departments, without there being any valid and legal ground / basis.

- h. In response to Part II-C, Submission No. 9 of the Additional Application, the Applicant alleges that cu refers to various issues concerning the uploading of Topo Maps, KML Maps ( a type of file containing a saved area of a particular place as taken from Google Maps) and demarcation of the boundaries of the project and states that the same were not uploaded correctly. The answering Respondent categorically denies
- i. The contents in submission No. 9 with regard to the flow channel of *Mamasani Kunta*, construction of a culvert and inspection by the TSIIC Officials does not relate to the land in Survey No. 285. Even assuming the presence of any alleged undulations as mentioned by the Applicant or construction by changing course of culvert or channel, the same would've been proved in the recent unprecedented rains the city of Hyderabad faced during mid October, 2020, which is said to be the highest rainfall the city of Hyderabad had faced in in more than last 100 (one hundred) years, even then there has been no stagnation of water anywhere inside the premises of the answering Respondent or flow of water from any channel or culvert. Not even any water from any culvert or any stream as alleged by the Applicant, entered the premises of the answering Respondent but for the natural rainfall from the sky. In case any culvert or channel is ever disturbed, the water by gravity would automatically due to the excessive rains flow into its earlier path which in the present case did not happen and there couldn't have been a better testimony of non-presence of water body than the condition as stated during the period of excessive rains which the city of Hyderabad has never faced in the last 100 years. All



*[Handwritten signature]*

these trivial and incorrect aspects are stated by the Applicant with an intention to mislead this Hon'ble Tribunal.

- j. The contentions in submissions no. 10 & 11 are totally irrelevant to the issue of existence of a water body in survey no. 285. The allegation in Submission No. 11 that "a cursory look at the Topo Sheet upon which project site location is imposed shows the legend of water body demarcated in complete Survey No 285. Further there are channels flowing into Survey No. 285, *Mekasani Kunta* right from Survey No. 286 north of the water body" is totally ill founded, erroneous and a manipulation or misunderstanding by the Applicant with malice.

38. In view of the above facts and circumstances of this case, the Additional Application is misconceived, baseless and devoid of merits against the answering Respondent and is liable to be dismissed.

Therefore, in view of the aforementioned submissions made by the answering Respondent and those submissions to be urged during the course of hearing of this application, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the present application and pass such other or further orders as deemed fit and proper in the interest of justice.

Sworn and signed before me on this  
the 15<sup>th</sup> Day of February, 2021  
at Hyderabad



*[Handwritten Signature]*  
DEPONENT

NOTARY



// ATTESTED //  
*[Handwritten Signature]*  
S. Mohammed Saif  
B.A., L.B.  
ADVOCATE & NOTARY  
(G.O.No. 104)  
(Appointed by Govt. of T.S. INDIA)  
6-3-354/19, Hindi Nagar, Banjara Hills  
Road No.1, Hyderabad-500 034, T.S, INDIA.

**VERIFICATION STATEMENT**

I, V.V. Sathyam, S/o. V. Kesava Rao, aged about 50 years, Occ: Authorised Signatory of Respondent No. 9, having office address at #1335, Road No. 45, Jubilee Hills, Hyderabad, Telangana - 500033, do hereby solemnly affirm and sincerely state that the information contained in the above said paragraphs 1 to 38 is believed to be correct to the best of my knowledge.

Verified at Hyderabad on this the day of 15.02.2021.

*Kishan*

**COUNSEL FOR THE RESPONDENT NO.9**



*V.V. Sathyam*

**DEPONENT**

**// ATTESTED //**  
*S. Mohammed Rizq*  
B.A., LL.B.  
**ADVOCATE & NOTARY**  
(G.O.Me. No.794)  
(Appointed by Govt. of T.S. INDIA)  
6-3-354/19, Hindi Nagar, Banjara Hills  
Road No.1, Hydersbad-500 034, T.S, INDIA.

**15 FEB 2021**