

**THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA
AND
THE STATE OF ANDHRA PRADESH
(Special original Jurisdiction)**

PIL NO.: 2015

BETWEEN:

Forum for Good Governance,
(A non-profit organization registered vide registration
No. 653 dt. 19.10.2009)
Having its registered office at Flat No. 204,
G. K. R. Mansion, Saifabad,
Lakdi – Ka – Pul, Hyderabad – 500 004
Represented by its Secretary, Sri M Padmanabha Reddy,
S/O Sri M Ganga Reddy, aged about 74 years,
Resident of Plot No. 91,
Amar Society, Madhapur,
Hyderabad- 500 033

...PETITIONER

AND

1. The State of Telangana,
Rep. by its Chief Secretary,
Secretariat, Hyderabad.
2. State of Telangana
Represented by its Principal Secretary,
Housing Department
Secretariat, Hyderabad.
3. A.P. State Housing Corporation Limited (Telangana Unit)
Rep. by its Vice Chairman and Managing Director
Regd off: H.No.3-6-184,
Street no.17, Urdugally,
Himayathnagar, Hyderabad- 500 029
4. Addl. Director General of Police
Crime Investigation Department
Telangana, Hyderabad.

...RESPONDENTS

AFFIDAVIT

I, M. Padmanabha Reddy, S/O Sri M Ganga Reddy, aged about 74 years, Occ: Retired Government Officer, and presently functioning as the Secretary of the Petitioner organization, resident of Plot No. 91, Amar Society, Madhapur, Hyderabad- 500 033, do hereby swear under oath and sincerely affirm as follows:

1. I submit that I am a retired All India Services Officer, presently functioning as the Secretary of the Petitioner organization herein and as such I am well acquainted with the facts of this case and able to depose as follows:

2. I humbly submit before this Hon'ble Court, that this Public Interest Litigation is being filed questioning the non-compliance and lack of response of the respondent government in completing the incomplete houses already started on a massive scale with enormous investment, by the predecessor government, and instead seeking to abandon the said constructions incomplete to move on to another housing program spearheaded by the respondent government that has decided to sanction houses under the 2 Bedroom Housing scheme, to eligible poor families with absolutely no guidelines either financial or technical feasibility study in place vis-à-vis the eligible population, as illegal, arbitrary, unconstitutional and to direct the respondent government to finish the construction of the unfinished houses first before embarking on a new housing scheme that require to be heard by this Hon'ble Court as a public interest litigation.

3. It is submitted that the Petitioner organization is a nonprofit organization registered vide registration No. 653 on 19-10-2009 founded by a few retired All India Service Officers and social activists who have all come together under the leadership of a Retired High Court Judge, with an objective to secure good governance at all levels, to resist the state abdicating its primary responsibility in providing good quality education and health services for all, build public opinion for the overdue electoral reforms, strive for enabling the various constitutional and autonomous institutions of the State to function effectively, campaign for the much-needed decentralization and reforms in administration etc. The organization runs on the contributions from its founder members and other persons interested in furthering the cause of the forum. Copy of the certificate of registration dated 19.10.2009 is being herewith filed as **Annexure P1** and it is prayed that the same be read as a part and parcel of this affidavit.

4. I hereby affirm and state on oath that the petitioner(s) herein has/have no personal interest in the subject matter of this petition.

The petitioner(s) hereby undertake(s) to pay exemplary costs and/or compensatory damages as directed by this Court in the event of a contrary finding upon adjudication by the Court that the writ petition is filed for extraneous/personal considerations or with an oblique motive.

DEPONENT

5. I humbly submit that to provide economically sustainable houses to the poor the erstwhile Government of Andhra Pradesh, in the year 2006 had initiated a massive housing programme under the scheme – ‘Integrated Novel Development In Rural Areas and Model Municipal Areas.’ (INDIRAMMA). The programme aims to make the state ‘hut-free.’ by providing funds for construction of houses to eligible people below poverty line. It is submitted that the program started on a positive note but without proper monitoring or implementation the project turned into a scam involving massive siphoning of funds amongst other allegations.
6. It is further submitted that in July 2014 the respondent government vide G.O.ms No. 9 dt., 26.07.2014 has ordered for detailed investigation by the 4th respondent into the irregularities noticed in the weaker section housing programme taken up during the years 2004 to 2014. Copy of the G.O. is herewith attached and filed as **Annexure P2** and the same may be treated as part and parcel of this affidavit. It is submitted that according to certain reports the CID in their sample survey has unearthed a scam of gigantic proportions where as many as 1150 people, including local politicians, involved in the implementation of the housing programme.
7. It is further submitted that I requested the 4th respondent to furnish a copy of their report via filing an application vide L.No. FGG/CID/RTI/30/2015 dt., 10.03.2015, under the Right to Information Act, 2005 (“RTI Act”). However, my application seeking information was denied vide C.No.3574/D1/RTI/CID/TS/2015 dt., 25.03.2015, informing me that the case was under investigation and that the information sought was in the nature of impeding the ongoing investigation and prosecution and that the information sought was exempted u/s 8(1)(h) of the RTI Act, 2005. Copies of the application and their response are being filed as **Annexures P3 and Annexure**

P4 and it is prayed that the same may be treated as part and parcel of this affidavit.

8. It is further submitted that I also filed an RTI application vide L.No. FGG/TSHL/RTI/77/2015 dt., 22.06.2015 before the 3rd respondent representation seeking information as to the status of the construction of the incomplete house and the respondent government's plan of action regarding the same. The 3rd respondent vide Lr.No.1525/TSHCL/RTI/2015 dt., 10.07.2015, answered the petitioner's RTI application vide UO Note No. 1324/DEE/RTI/2015, dt., 6.07.2015, that the respondent government has no guidelines for implementation of the 2 BHK program and that the number of houses to be sanctioned under the program would be decided after receipt of the guidelines.

9. It is submitted that the above mentioned U.O. Note No.1324/DEE/RTI/2015, further went on to state that the number of unfinished houses taken up under various schemes like 'Indiramma Indlu' etc., as on 1.04.2015 was 4,67,832 houses at different stages of construction and that the amount spent on the unfinished houses so far was Rs. 1128.31 crores. It is also brought to the attention of this Hon'ble Court that beneficiary contribution, including labour and other materials amount to approximately 1,000 crores for all the incomplete houses so far, which in total would be approximately an amount of Rs. 2128 crores already spent on the under construction houses so far. The relevant information is filed herewith as **Annexure P5 and P6** and it is prayed that the same may be read as part and parcel of this affidavit.

10. It is further submitted that according to the above mentioned U.O. Note further an amount of Rs.2469.69 crores was required to complete the in-progress 4.67 lakh houses at the rate of the earlier unit cost. It is submitted that for the past 3 years i.e., 2013-14, 2014-15, 2015-16 no budget has been allocated for the completion of the incomplete houses, exposing them to severe wear and tear due to weather and other conditions. It is further submitted that the beneficiaries have actually taken small loans etc., to contribute towards the completion of their homes, but seeing that no activity

from the government was forthcoming for the past 3 years have slowly decided to abandon the said homes that they were looking forward to move into.

11. It is further submitted the said houses are spread across rural areas of Telangana State, mostly on the land/house sites belonging to the beneficiaries. The beneficiaries are anxious and interested to see that the unfinished houses are finished as early as possible so that they can finally have a dwelling they can call their permanent home, satisfying 4.67 lakh families.
12. I submit that Government of Telangana has not released any funds to complete the unfinished houses either during 2014-15 or 2015-16. On the other hand they have floated a new 2 Bedroom Housing scheme by spending Rs. 9,00,000/- approximately per dwelling, but so far no guidelines or policy is in place. Although a welcome move the prohibitive initial cost, maintenance charges to be borne by the designated beneficiaries, the low physical target of 500 houses per constituency or about 50,000 houses for the entire state does not provide the practical solution that beneficiary citizens would aspire for in order to realize their dream of a self-owned dwelling home. With that result the housing construction in the state of Telangana has come to stand still and is in utter confusion.
13. It is submitted that according to a one day survey conducted in the Greater Hyderabad Municipal Corporation ("GHMC") area by the respondent government, there is a need for 2 lakh houses in Hyderabad city alone. The demand for houses in 10 districts in a similar proportion with due consideration given to the density of the population amongst other parameters could roughly approximate around 10 lakhs. Thus in all to achieve a house to every citizen family we need approximately 12 lakh houses in the state of Telangana. The urgent requirement for housing is aptly demonstrated by G.O.Rt.No. 96 dt., 7.08.2015, Housing (HB&OP.A2) Department, the respondent government has sanctioned an amount of Rs.7,28,95,000/- to complete construction of only 79 houses under the 2 Bedroom Housing scheme at Infectious Diseases Hospital colony, Hyderabad by the GHMC at an estimated budget per house being approximately 9.2 lakhs per house! Copy of the G.O. is being filed as **Annexure P7** and

it is prayed that same may be treated as part and parcel of this affidavit.

14. I submit that this Petitioner has submitted a representation to the Hon'ble minister for Housing vide L.No.FGG/Housing/REP/73/2015 dt., 9.06.2015 to complete the unfinished 4.67 lakh houses under the erstwhile weaker section housing programme including 'Indiramma Indlu,' but there is no response to this date. This Petitioner also followed up by making a representation to the Chief Secretary, Telangana Government, bringing his notice the plight of unfinished houses and requesting immediate action to complete the unfinished the houses vide Lr.No.FGG/CS/REP/73/2015 dt., 29.06.2015, but to no avail. Copies of the representations are being here with filed as **Annexure P8 and P9** respectively and it is prayed that the same may be treated as part and parcel of this affidavit.

15. It is submitted that housing is a basic and an essential requirement in the life of a common man after food and when there are 4.67 lakh houses awaiting completion, the respondent government ought to consider and take up the responsibility of their completion, more so because of the fact that considerable amount of the state exchequer and that of the beneficiaries to the tune of approximately Rs. 2128 crores has already been invested in the said houses.

16. It is humbly submitted and pertinently pointed out that this Petitioner is neither criticizing nor is against the two Bedroom Housing scheme of the respondent government. However, it is submitted to this Hon'ble court that this Petitioner only wants to point out the fact that when 4.67 lakh unfinished houses are awaiting completion, the government is duty bound to first facilitate their completion before embarking on a new scheme based on the requirements that can be gauged only through a technical survey and once appropriate rules and requisite guidelines are in place. The respondent government's present initiative to construct two bedroom houses/flats at a prohibitive cost of about 9.2 lakhs would necessarily be a huge burden on the state exchequer, not to mention the already invested 2128 crores in unfinished houses so far.

17. It is submitted that to provide 2 bedroom houses for approximately 12 lakh families will lead to a prohibitive burden on the

respondent state's exchequer with the entire costs adding upto approximately 1 lakh ten thousand crores, with no feasibility study or guidelines in place. It is further pertinently pointed out that facilitating the quick completion of the 4.67 lakh unfinished houses before moving on to the new housing scheme would only auger well for the respondent government as it would be better placed to study, prepare and deal with the financial and technical consequences of the new 2 BHK housing programme after the successful completion of the 4.67 lakh houses, to be able to successfully cater to the remaining families through the new scheme. It is pointed out at this juncture that the Government of India planned to achieve a house to every citizen (family) by 2022 (Golden year of India's Independence) and completion of the unfinished houses will only bring the respondent government closer to reaching that target!

18. Since my representations to the respondent government to complete the already started but incomplete weaker section housing has yielded no results I am left with no other alternative remedy except to invoke the Extraordinary Jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. I have not filed any other writ, suit or any other proceedings before any Court of Law or authority for the relief or reliefs sought for hereunder.

It is therefore respectfully prayed that this Hon'ble court in the interest of justice may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus-

i) declaring the non-compliance and lack of response of the respondent government in completing the incomplete houses already started on a massive scale with enormous investment, by the predecessor government, and instead seeking to abandon the said constructions mid-way, to move on to another housing program spearheaded by the respondent government that has decided to sanction houses under the 2 Bedroom Housing Scheme to eligible poor families with absolutely no guidelines either financial or technical feasibility study in place vis-à-vis the eligible population, as illegal, arbitrary, unconstitutional

ii) to direct the respondent government, especially respondents 1 to 3 to finish the construction of the unfinished houses within a specified time frame first, before embarking on a new housing scheme and

iii) Pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case and in the interest of justice.

It is further prayed that this Hon'ble Court may be pleased to direct the respondent no. 4 to complete the enquiry into the misuse of funds allocated to the Weaker section Housing programme and submit the report to the respondent government within a specified timeframe to initiate prompt action against the perpetrators of the fraud, pending disposal of main writ petition and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case and in the interest of justice.

Solemnly affirmed and signed
before me on the 18th of August, 2015
at Hyderabad.

Deponent

ADVOCATE // HYDERABAD

VERIFICATION STATEMENT

I, M. Padmanabha Reddy, S/O Sri M Ganga Reddy, aged about 74 years, Occ: Retired Government Officer, and presently functioning as the Secretary of the Petitioner organization, resident of Flat No. 204, G. K. R. Mansion, Lakdi - Ka - Pul, Hyderabad, the petitioner herein whatever facts stated above in paras 1 to 18 in the above affidavit are true to the best of my knowledge and belief. Hence, verified on this the 19th day of August 2015 at Hyderabad.

Counsel for the Petitioner

Deponent

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA
AND
THE STATE OF ANDHRA PRADESH

PIL No. _____ of 2015

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Hyderabad
Dt: 19.08.2015

Counsel for the Petitioner