

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

**(Rule 4 (e) of the High Court of Judicature at Hyderabad for the States of
Telangana and Andhra Pradesh PUBLIC INTEREST LITIGATION RULE,
2015)**

W.P.(PIL) NO. OF 2016

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.
Pan Number: ABLPM4417D,
Adhar ID No. 572433865174,
Mobile No. 98492-69105,
Email address: ffggapindia@gmail.com

...PETITIONER

AND

1. State of Telangana
Department of General Administration
Represented by the Chief Secretary,
Secretariat-Hyderabad, Telangana.
2. State of Telangana
Department of Transport, Roads and Buildings,
Represented by its Principal Secretary,
Secretariat- Hyderabad, Telangana

.....RESPONDENTS

1. PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS

MADE:

(i) SUBJECT MATTER IN BRIEF:

The Petitioner is aggrieved by the action of respondent government in seeking to mindlessly and unreasonably demolish the existing buildings in the Secretariat premises, Saifabad, Hyderabad and to construct a new building in its place, as arbitrary, illegal and unreasonable, and consequently direct them to stop all such unnecessary demolition activities at the expense of the state exchequer Hence the Writ Petition (PIL).

2. PARTICULARS OF PETITIONER:

- 2.1 I submit that 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. Copy of registration is filed as **Annexure P1** and it is prayed that the same may be treated as part and parcel of this affidavit. The organization runs on the contributions from its founder members and other persons interested in furthering the cause of the forum. I had already

collected the relevant documents and filing this Writ Petition (PIL) before this Hon'ble Court.

LOCUS STANDI:

- 2.1 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. This petition is being filed challenging the action of respondents in seeking to mindlessly and unreasonably demolish the existing buildings in the Secretariat premises, Saifabad, Hyderabad and to construct a new buildings in its place, as arbitrary, illegal and unreasonable, and consequently direct them to stop all such unnecessary demolition activities at the expense of the state exchequer Therefore this Hon'ble Court has got both territorial and pecuniary jurisdiction to entertain the above Public Interest Litigation Petition under the Public Interest Litigation Rules, 2015, since the cause of action arose in the State of Telangana, which is well within the jurisdiction of the Hon'ble Court.
- 2.2. I further submit that the Petitioner had not involved any Civil, Revenue, and Criminal Litigation in any, capacity before any Court or Tribunal. However, the Petitioner in its capacity as a Non-Governmental organization has filed

Public Interest Litigations before this Hon'ble High Court, some of which are as follows:

1. PIL No. 25998/2010

Forum for Good Governance filed a PIL in the High Court for not holding elections to the Municipalities and Municipal Corporations in the state and appointing special officers to such Municipalities and Municipal Corporations.

2. PIL No. 39/2012

Forum for Good Governance filed a PIL against the increase of water tariff for the water supplied by HMWS&SB. Case is pending in the high court. Listing date is 1-12-2015

3. PIL No. 132/2012

Forum for Good Governance filed a PIL requesting to direct the GHMC and Water board to construct RWHS in GHMC area. The above authorities agreed to take up the RWHS in the city. Accordingly PIL disposed of.

4. PIL No. 236/2013

Forum for Good Governance filed a PIL requesting to direct the HMWS&SB to replace all damaged and rusted pipelines to prevent contamination and leakage of drinking water supplied by water board. The case is pending. Listing date is 1-6-2015

5. PIL No. 3/2015

Forum for Good Governance filed a PIL requesting to direct Government of Telangana to conduct elections to GHMC. The Hon'ble High Court directed the Government /State Election Commission to complete the elections by end of January 2016.

6. PIL No. 155/2015

Forum for Good Governance filed a PIL requesting to direct the Govt. of Telangana to take steps to fill up all the vacant posts of Vice chancellors in the state of Telangana. The court agreed the submissions made by the Advocate General agreeing to complete the procedure for appointing the Vice Chancellors within 3 to 4 months. PIL is accordingly disposed of.

7. PIL No. 233/2015

Forum for Good Governance has filed a PIL requesting the Government to complete all the incomplete houses taken up under Indiramma Indlu programme to avoid wastage of funds. The case was suitably ordered with directions given to the government and disposed of.

3. DECLARATION AND UNDERSTANDING OF THE PETITIONER:

I, M. Padmanabha Reddy, S/o M Ganga Reddy, aged about 75 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:

- 3.1 That the present petition is being filed by way of Public interest Litigation and the Petitioner does not have any personal interest in the matter.

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:

- 3.2 That the entire litigation cost including the Advocate's fee and other charges are being borne by the Petitioner. The PAN number of the Petitioner is already mentioned above.
- 3.3. That thorough research has been conducted in the matter raised through this petition. All the relevant documents pertinent to the subject are attached by the Petitioner to this petition. The Petitioner collected the information through following the procedure stipulated by the Authorities.
- 3.4 That to the best of Petitioner's knowledge and research, the issue raised was not dealt with or decided and that a similar or identical petition was not filed earlier by the Petitioner.

I submit that, I am filing this PIL after obtaining the relevant documents and after submitting oral representations, consequently after having been completely satisfied that the Respondents are about to mindlessly and unreasonably demolish the existing Secretariat buildings, to allegedly accommodate a new one per VAASTU, as illegal, arbitrary, against the principles of natural justice and consequently to direct the respondent state

Government to stay all activity relating to such mindless demolition and wastage of public money.

- 3.5 That the Petitioner understood that in the course of hearing of this Petition, this Hon'ble Court may require any security to be furnished towards costs or any other charges and the petitioner shall comply with such requirements. This issue was not dealt with or decided earlier and I have not filed any similar or identical petitions earlier.

4. FACTS IN BRIEF:

i. I submit that consequent to bifurcation of the state combined state of Andhra Pradesh, the Secretariat buildings having about 9 lakh sq. ft. of plinth area have also been bifurcated between two states. It is further submitted that several departments of the state of Andhra Pradesh are moving or have already moved to the new capital of Amaravathi thus creating a lot of empty space within the existing Secretariat building that would logically only be occupied by the state of Telangana.

ii. I submit that the entire Secretariat is housed in (about) 8 buildings/blocks called A, B, C, D, etc. It is interesting to note that although several of the blocks were constructed about 30 years back, several of the blocks are more recent, constructed a little over 10-15 years back and importantly has been constructed on eco-friendly principles and

environmental norms properly adhered to and thus are proud eco-friendly constructions. It is further submitted that the entire Secretariat building space, apart from mere well equipped and planned office blocks also comprises of parking spaces, conference rooms, places of worship keeping secular ethos in mind, and Outpatient dispensaries etc. Some of the blocks are constructed about a decade back and have a life span of another 50 years or so.

iii. It is submitted that as matters stood thus and the inevitable emptying of the Secretariat that was being occupied by the state of Andhra Pradesh, it shockingly learnt from several media sources that the respondent state is obtusely and strangely planning to waste an already deficit exchequer and had taken a decision to demolish the entire Secretariat (all blocks including those occupied by Andhra Pradesh Secretariat) with all 9 lakh sq. ft. of constructed area and in its place construct a new Secretariat. The main reason for this diabolical and distasteful vandalism is that apparently the political decision makers believe that the present buildings housing the Secretariat are not as per VAASTU!

iv. I submit that VAASTU or any other religious, spiritual or other belief system is purely individual and completely independent of the state or the state structure in a federal, democratic, secular, socialist republic like India. It is further stated that such belief systems cannot even successfully stand scientific scrutiny and to think that such a majestic and eco-friendly building

blocks housing the Secretariat are being sought to be dismantled only based on the weird and ignominious whims and fancies of the political leadership under the strange pretext of VAASTU, which is nothing but criminal squandering public money that the respondent state has absolutely no right or authority to do.

v. I submit that media reports indicate that new Secretariat proposed to be constructed may cost (about) 500 crores which is nothing but wasting tax payers money. It is highly ironic and infinitely sad that the respondent government does not have the money to first live up to its promises to the farmers' by releasing the third installments of loan waivers, or crop insurance or provide input subsidies to farmers that continue to commit suicide owing to complete lack of response from the state government. It is also submitted that the state government has not even provided any drought relief so far even after claiming the money from the Central government and has not provided any form of succor to the farmers whose crops were damaged from submergence due to the recent torrential rains. It is further submitted that instead the state is preying on its citizens by forcibly acquiring lands under the guise of projects and now wants to further debilitate and destroy the economic fabric of a fledgling new state by making off the cuff decisions like demolishing the Secretariat building at the expense of the tax payers money that is unpardonable and cannot be allowed.

vi. It is further submitted that the 1st respondent along with other senior Secretaries visited few government buildings around Secretariat and the Secretariat is likely to be shifted shortly to facilitate the urgent demolition and reconstruction of the present Secretariat buildings. I further submit that the shocking proposed demolition of the existing Secretariat is very ironic given that with the A.P. Secretariat moving to Amaravathi there will be a lot of vacant space which can easily be used to accommodate various government offices which are now housed in private rented buildings, in addition to the existing offices at the Secretariat. It is submitted that the same would only facilitate administrative convenience.

vii. I submit that I have requested for information regarding the decision taken to demolish the present building and also the cost of construction for the new Secretariat vide L.No. FGG/CS/RTI/07/2016 dt., 14.10.2016. However, there is no reply from O/o Chief Secretary (1st respondent). The letter is filed as Annexure P3 and it is prayed that the same may be treated as part and parcel of this affidavit.

viii. It is further submitted that India being a secular state VAASTU, Feng Shui, or other similar belief systems cannot be arbitrarily enforced on its citizens simply based on the whimsical attitudes and beliefs of its political leadership who is but an elected representative in a democracy and therefore is absolutely and completely answerable to the people of the state for all monies spent by the state. Therefore arbitrary, unilateral and mindless

demolition of existing structures based on individual belief systems cannot be condoned or excused. It is submitted that the demolition according to sources would begin soon in early November and if this Hon'ble Court does not intervene and stop the same there would be irreparable loss and injury caused to the people of the state of Telangana.

5. SOURCE OF INFORMATION:

The Petitioner collected the information through following the procedure stipulated by the Authorities as well as, through the R.T.I. Act, newspapers and Internet.

6. NATURE OF EXTENT OF INJURY CAUSED/APPREHENDED:

I state that if the mindless and unreasonable demolition of the existing Secretariat buildings, in Saifabad, Hyderabad, are allowed unchecked there would a severe monetary loss to the public exchequer and irreparable injury and harm would be caused to the people of the state of Telangana already overburdened by the present state government who have converted a surplus into a deficit budget in just 3 years.

7. ANY REPRESENTATION ETC., MADE:

I submit that, the Petitioner made representations to the Respondents, but no action has been taken in respect of the above issue.

8. DELAY IF ANY:

I submit that there is NO DELAY in filing this Petition between last representation and the filing of this PIL instant, as this is a continuous cause of action. Therefore, in the event of this Hon'ble Court coming to a conclusion that there is any delay in approaching this Hon'ble High Court, the same may be condoned.

9. DOCUMENTS RELIED UPON ARE:

1. L.No.FGG/CS/RTI/07/2016 dt., 14.10.2016
2. 'New Secretariat Plans Gather Steam TOI 25.10.2016
3. 'Telangana Govt ...New Secretariat Constructed" (Sakshipost, 28.10.2016)
4. New Secretariat Soo for Telangana Too (Hindu Businessline, 18.10.2016)
5. 'New Secretariat to cost Telangana Rs.1,200 crores (Deccan Chronicle, 18.10.2016)

I submit that in spite of representations and information under RTI Act 2005 being sought the respondent government is going ahead with its unreasonable plans of demolition of the Secretariat in a hectic and urgent manner. It is submitted that, in the above circumstances, the Petitioner is left with no other alternative and efficacious remedy, other than to approach this Hon'ble High Court under Article 226 of the Constitution of India, for necessary relief. It is submitted that Petitioner has not filed any other suit nor any other matter relating to this case is pending in any other court of law, except this writ petition.

10. RELIEF PRAYED IS AS FOLLOWS:

It is respectfully prayed that this Hon'ble Court, in the interests of justice be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of respondents in seeking to mindlessly and unreasonably demolish the existing buildings in the Secretariat premises, Saifabad, Hyderabad and to construct a new building in its place, as arbitrary, illegal and unreasonable, and consequently direct them to stop all such unnecessary demolition activities at the expense of the state exchequer and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and interest of justice.

11. INTERIM PRAYER:

It is hereby prayed that this Hon'ble Court may be pleased to stay any and all demolition plans of the existing structures in the Secretariat Complex, Saifabad, Hyderabad and the related activities of shifting of the Telangana Secretariat to other buildings, pending disposal of the above writ petition (PIL) and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

12. CAVEAT:

I submit that no notice has been received of lodging a Caveat by the Respondents.

PLACE: HYDERABAD

DATE: 26.08.2016

SIGNATURE OF PETITIONER

Advocate for Petitioner

VERIFICATION STATEMENT

I, M. Padmanabha Reddy, S/O Sri M Ganga Reddy, aged about 75 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 the above affidavit are true to the best of my knowledge and belief. Hence, verified on this the 30th October, 2016 at Hyderabad.

PLACE: HYDERABAD

DATE: 30.10.2016

SIGNATURE OF PETITIONER

Before me

Advocate for Petitioner