

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

WP No.24108 of 2015

Between:

Penuel Prayer Hall Welfare Society, Ramnagar
BHPV Post, Visakhapatnam, rep. by its
Secretary, M.Anand

...Petitioner

And:

The State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue Department, Hyderabad & others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

SUBMITTED FOR APPROVAL:-

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

1. Whether Reporters of Local newspapers may Yes/No
 be allowed to see the Judgments?
2. Whether the Copies of Judgment may Yes/No
 be marked to Law Reporters/Journals
3. Whether Their Lordship wish to see the Yes/No
 fair copy of the Judgment?

HON'BLE SRI JUSTICE P.NAVEEN RAO

Writ Petition No.24108 of 2015

ORDER:

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The petitioner is a religious Church, established in Sy.No.52/2 of Mindi Village, Gajuwaka Mandal, Visakhapatnam District. Before constructing the Church, a request was made to the District Collector, Visakhapatnam, for allocation of 25 cents in Sy.No.52/2. The District

Collector, vide proceedings in Rc.No.3008/81/B2 dated 01.03.1983, allotted 25 cents to the petitioner out of 79 cents and 50 cents was allotted to some other religious organizations. The remaining four cents of land is under the custody of the Revenue Authorities, which is adjacent to the petitioner's Church. The petitioner intended to construct an Orphanage and Old-age home for women and therefore, made further representation to the Revenue Authorities requesting to allot the four cents of open land, as it is adjacent to the petitioner's Church. The said request has been favourably considered at various levels and it is now pending consideration before the District Collector. It appears from the reading of the letter dated 12.09.2014 addressed by the Revenue Divisional Officer, to the District Collector that the issue is under active consideration of the District Collector regarding the request made by the petitioner for such alienation but so far no final decision is taken. At this stage, the Greater Visakhapatnam Municipal Corporation (GVMC)-6th respondent, initiated steps to construct a compound wall surrounding the said land. Hence, the petitioner instituted the present writ petition contending that since their application is pending consideration before the District Collector and that the land does not belong to the GVMC, construction of compound wall surrounding this piece of land by the GVMC is illegal. In support of the said contention, reliance is placed on the letter addressed by the Zonal Commissioner, GVMC, to the Tahsildar, Gajuwaka dated 16.11.2012 wherein it is informed to the Tahsildar that no orders from the District Collector were passed regarding allotment of the land in question.

2. It appears that the GVMC proposed to construct Community Hall with compound wall in the subject land and pursuing with the Revenue Authorities for allocation of the same. The correspondence filed along with this writ petition discloses that there is such proposal actively considered by the GVMC.

3. It appears the subject land belongs to the Revenue Department and the request of the petitioner as well as the GVMC for allotment of the said land is pending with the District Collector. At this stage, the construction of the compound wall by the GVMC is totally unwarranted. Ultimately, if the land is allotted to the petitioner, the huge public money spent on for construction of the compound wall would be wasted.

4. In the facts and circumstances and having regard to the rival claims of the petitioner as well as the GVMC, I deem it appropriate to direct the District Collector, Visakhapatnam to pass appropriate orders on the representation of the petitioner for allotment of four cents of land in Sy.No.52/2 of Mindi Village, as expeditiously as possible, preferably, within three weeks, from the date of receipt of a copy of this order. Till such decision is taken by the District Collector-3rd respondent, the GVMC-6th respondent shall not undertake to construct the compound wall. However, it is also directed that the petitioner shall not encroach in to the said land nor seek to alter the status of the land till the District Collector takes a decision for allotment of the same in favour of the petitioner.

5. The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, in this writ petition, shall stand dismissed in consequence. No order as to costs.

P. NAVEEN RAO, J

Date: 03.08.2015
BSS

HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 03.08.2015

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