

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.36107 of 2014

Dated : 08.07.2015

Between:

Panduranga Bajana Mandiram,
Rep., by its Custodian
Sri Srirangam Seetharama Charyulu,
S/o.Rangacharyulu, Aged 78 yrs,
Occu : Pourohityam,
R/o.besides Sri Panduranga Bajana Mandiram,
Gajularajam Basthi, Kothagudem Town and Mandal,
Khammam District.

.. Petitioner

And

The Telangana State Northern Power Distribution Company Limited, by its
Chairman & Managing Director,
Hanmakonda, Warangal & 5 others

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.36107 of 2014

ORDER :

Panduranga Bajana Mandiram represented by its custodian, instituted this writ petition aggrieved by the action of the respondents 1 to 3 in constructing a sub-station in Survey No.143 of Gajularajam, Kothagudem.

2. Learned counsel for the petitioner contends that a huge extent of land was originally earmarked to Singareni Collaries Company Limited. Small portions in the said extent of land was earmarked to various activities. In a similar manner, 0.88 cents and 0.09 cents in separate units were given to Bajana Mandir for temple. He further contends that the land which is given to the temple is in possession and now it is illegally earmarked for construction of sub-station and the respondents 1 to 3 are undertaking construction of sub-station, which is illegal. The Government issued orders in G.O.Ms.No.1345 regularizing post-facto enjoyment of various extent of lands by various organizations including the petitioner temple. He contends that having regard to the orders of the Government in G.O.Ms.No.1345 Industries Department, dated 08.09.1960 and the orders passed in W.P.M.P.No.13204 of 2006 in W.P.No.10547 of 2006 by this Court that temple land cannot be earmarked for any other purpose.

3. The respondents 1 to 3 filed counter. Learned Senior Counsel Sri Vidya Sagar contends that pursuant to the orders of the Government in G.O.Ms.No.1345, a lease was entered into between Singareni Collaries Company Limited and petitioner temple granting lease and that the proposed site where the sub-station is under construction is a separate extent slightly away from the temple. Learned Senior counsel refers to the rough location sketch prepared by the Mandal Surveyor, Kothagudem, attested by the Tahsildar, Kothagudem, which shows different extent of lands. He therefore, contends that the respondents 1 to 3 are not establishing the sub-station in the land originally earmarked for the petitioner-temple and it is a different extent of land.

4. As fairly stated by the learned counsel for the petitioner, there is no material on record to show that the extent of land on which sub-station of respondents 1 to 3 is coming up was given to the temple. Thus, in the absence of any material to show that this particular piece of land was earmarked for temple, the contention that the same land is taken over for construction of sub-station has no merit. Even according to the orders in G.O.Ms.No.1345, only

two extents of lands were given to the petitioner temple shown at Sl.No.49 & 51. Learned counsel for the petitioner submits that these are different extents of lands, one is the place where the temple stands and the another is at a different place. If that is so, there is no third property shown in the said G.O. Thus, it cannot be said that the subject land was allotted to the temple and illegally the said land is earmarked for construction of sub-station by respondents 1 to 3. Therefore, I see no merit in the contention of illegality in allocating the land to the respondents 1 to 3 for construction of sub-station.

5. Accordingly, the writ petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

08th July, 2015.
Rds

P.NAVEEN RAO,J