

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.42779 of 2015

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ORDER:

This Writ Petition is filed seeking the following relief/s:

‘....to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.2 to 5 in not considering the representations dated 10.6.2015, 1.12.2015 and proposing to hold ensuring Janmabhoomi – Mavooru Programme in the premises of Lord Sri Venkateswara Swamy Temple of Kandulapalem Village, Ramachandrapuram Mandal, East Godavari District is illegal, arbitrary and violation of section 23(4) (a) of A.P. Charitable & Hindu Religious Institutions and Endowment Act, 1987 and 300-A of Constitution of India and consequently direct the respondents not to hold ensuring Janmabhoomi – Mavoor programme to be held in the first week of January, 2016 in the premises of Lord Sri Venkateswara Swamy Temple, Kandulapalem village, Ramachandrapuram Mandal, East Godavari District and pass such other order...’

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the petitioner, the learned Government Pleader for Revenue (AP) appearing for the respondents 1 to 4 and the learned Standing Counsel appearing for the 5th respondent. I have perused the material record.

3. The case of the writ petitioner as set out in the writ petition and as per the submissions made on his behalf, in brief, is this: ‘The respondents 2 to 5 by not considering the representations dated 10.06.2015 and 01.12.2015 of the petitioner had proposed to hold the Janmabhoomi – Mavooru programme in the premises of Lord Sri Venkateswara Swamy Temple of Kandulapalem Village of Ramachandrapuram Mandal. The said proposed programme is scheduled to be held on 04.01.2016 in the premises of the Lord Sri Venkateswara Swamy Temple. The writ petitioner is a grand child of the founder of the Temple, who had also donated some assets to the Temple. There are rival political groups in the village and each group

is trying to dominate the other group. Earlier in the year 2015 a similar programme was held in the premises of the Temple. At that time, turbulence had occurred and inconvenience was caused to the devotees and peace and tranquility of the temple atmosphere was disturbed by the political groups which had exchanged challenges in vulgar language. At that time, the organizers of that event had arranged a feast to the followers of the political parties and served non vegetarian food items by resorting to slaughtering goats and chicken and alcohol was consumed in the premises of the Temple. The officers who were present at that time did not resist the high handed behaviour of the persons who had indulged in such activities and had kept quiet. In the circumstances, the petitioner apprehends such similar incidents and activities may also take place this time also, if the proposed Janmabhoomi programme is conducted this year also in the premises or near the premises of the temple. In such circumstances, the petitioner is constrained to file the writ petition seeking a direction not to conduct the Janmabhoomi programme in the premises of Sri Lord Venkateswara Swamy Temple. However, the petitioner has no objection for conducting the said programme elsewhere in the village.'

4. The learned Government Pleader for Revenue having secured instructions would submit that the proposed Janmabhoomi programme is not being organized in the Temple premises; but, is only proposed to be organized in a place near the temple premises and that the Gram Panchayat Office building is a very small premises and that, therefore, it is not possible to hold the Gram Sabha or Janmabhoomi programme in the panchayat office and that the programme is an authorized programme and that due to non availability of sufficient place in the gram panchayat office and at any other place in the village, the proposed premises is chosen for conducting the Janmabhoomi Gram Sabha and that it is a general practice in the villages to consult elders of the village and have the programmes in

the premiseses of the Temples and, therefore, the writ petition is devoid of merit and is liable to be dismissed.

5. The learned Standing Counsel for the 5th respondent while endorsing the views of the learned Government Pleader for Revenue had also stated that since the programme is being proposed to be held near the Temple and not in the Temple premises the writ petition is devoid of merit and is liable to be dismissed.

6. I have given earnest consideration to the facts and the submissions. At the hearing, on an enquiry made by this Court as to whether the Tahasildar concerned would take necessary steps to avoid any untoward incidents and for the maintenance of law and order, in case the programme is permitted to be held as scheduled near the Venkateswara Swamy Temple, the learned Governemt Pleader is not in a position to give any such assurance as he could not get the necessary instructions due to the paucity of time. However, it is fairly conceded that there is a political rivalry between two groups in the village.

7. Having regard to the facts and the untoward/unpleasant incidents that were said to have taken place during the previous year, and after giving earnest consideration to the submissions of both the sides, this Court is of the well considered view that it is not just and fair to allow as proposed the Janmabhoomi programme on 04.01.2016 near the premises of the Temple considering the vital fact that serene atmosphere is to be maintained in and around the Temple or for that matter at any religious place.

8. Accordingly, the Writ Petition is allowed directing the respondents not to hold the proposed Janmabhoomi – Mavooru programme as proposed near the premises of Lord Sri Venakateswara Swamy Temple and instead hold it at any place either near the Panchayat office or any other public place available in the village

away from the Temple. No costs.

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

M. Seetharama Murthi, J

Dt: 31st December, 2015

Note: Issue CC by 02.01.2016

(B/o)

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