

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No. 10286 OF 2011**

**ORDER:**

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Heard learned counsel for the petitioners and learned Government Pleaders for Revenue and Home. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of the respondents in not disposing of the representation dated 07.02.2011 seeking permission to fence the boundary with barbed wire for protecting the temple land and its surrounding land to an extent of Acs.8.35 guntas in Survey No.4 of Tettekunta Village, Vemulawada Mandal, Karimnagar District as illegal and arbitrary.

The facts in issue are as under:

The petitioner is a Charitable Trust established to inculcate the ideology of Saint Avatar Mehar Baba and also to undertake social welfare activities to the poor in Tettekunta and other neighboring villages. It is stated that some anti social elements started making false propaganda against the trust in order to grab the land of the petitioner-trust. In the year 2004, when some of the anti social elements tried to grab the land, the petitioner filed W.P.No.3081 of 2004, wherein, this Court directed the respondents to safe guard the land by taking necessary steps with the help of the local police. In spite of the order, no protection was provided to the petitioner by the police authorities, in spite of receiving letters from the second respondent on 06.10.2005 and on 30.05.2006. It is

stated that some of the neighbours are trying to encroach the land by taking advantage of lack of police protection to the temple. It is further stated that the petitioner made a representation dated 07.02.2011 to the respondents seeking permission to fence the boundary with barbed wire but, no action has been initiated so far. Aggrieved by the inaction of the respondents till date, the present writ petition came to be filed.

A Counter affidavit came to be filed by the fourth respondent disputing the averments made in the writ petition, except those that are specifically admitted therein. It is stated in the counter that inspite of giving several reminders about filing application for alienation of the Government land, there is no such proposal from the petitioner till date and as such there is no proposal for alienation pending with the respondents. It is alleged in the counter that the petitioner-trust was established ten years back in Survey No.4 of Tettekunta Village and without any sanction from the competent authority. It is stated in the counter that the Assistant Commissioner, Endowments Department, Karimnagar in his letter dated 27.01.2009 in No.B/312/2007 requested the District Collector to cancel the proposal of allotment of the Government land admeasuring Acs.8.35 guntas to the petitioner trust as there was no necessity. Hence, it is contended that there are no merits in this petition.

At this stage, learned counsel for the petitioner submits that the land in dispute is a private land and as such the question of allotment of Government land does not arise, when the land itself is a private land.

Without going into the merits of the case and having regard to

the rival submissions made, it may be just and proper to dispose of the writ directing the respondents to consider the representation of the petitioner dated 07.02.2011, seeking permission for fencing the temple boundary with barbed wire, in accordance with law, within eight (08) weeks from the date of receipt of a copy of this order.

No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall also stand closed.

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**JUSTICE C. PRAVEEN KUMAR**

01.09.2015

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