

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18585 of 2011

ORDER:

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With the consent of both the parties, the writ petition is disposed of at the admission stage itself.

Assailing the order dated 05.03.2010 passed in L.Dis.No.(A) 8020/2009 made by the Tahsildar, Tirupati Rural as illegal and improper, the present writ petition came to be filed.

The averments in the writ petition are as under:

The petitioner herein is a Pastor running church in the name Paul Evangelical Church registered under Paul Evangelical Association situated at Tirupati. It is stated that temporary church was constructed in government land to an extent of Ac.0.25 cents situated in Sy.No.182/2 at Daminedu village. On every Sunday about 100 people were attending prayer in the said Church. On 11.03.2009 some unknown persons came to the church place and destroyed the temporary structures erected therein. It is stated that though a report was lodged before the police and revenue authorities, no action was initiated. It is said that all the believers of Christ were subject to mental agony and from that day onwards they could not perform the prayer in a peaceful way. On 08.09.2008 the petitioner made a representation before the second respondent, upon which an enquiry was conducted by the first respondent. The first respondent after holding the enquiry passed an order on 06.11.2009 stating that the land belongs to AWD and that no patta was issued to others.

It is stated that one Meenakshamma and her children developed an evil intention to grab the property and accordingly created false and

fabricated documents stating that the land belongs to her. They openly threatened the believers of the Christ not to conduct any prayers in the said place. Upon a representation, dated 08.09.2009, made by the petitioner, the impugned order came to be passed rejecting the request of the petitioner for allotting land for prayer stating that "it would be unconstitutional to provide public property on free of cost or at nominal or constitutional rate for the encouragement or the practice of a religion by any particular religious sector group. But this does not mean that there can be no sale or lease/alienation of public property in favour of religious institution even at the market value." Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Government Pleader for revenue.

It is to be noted that under Article 226 of Constitution of India, this Court cannot direct the authorities to allot land for the purpose of construction of a church or temple, when the Tahsildar on enquiry has rejected the request on the ground that it will be unconstitutional to provide public property on free of cost or at nominal or at concessional rate for the encouragement or the practice of a religion by any particular religious sector group. If the petitioner is aggrieved by the order of the Tahsildar, he is always at liberty to avail the remedies available under law. At this stage, the learned counsel for the petitioner seeks a direction to the higher authorities to consider the request of the petitioner, if made, for allotment of land within a reasonable time. It is always open to the petitioner to approach the higher authorities with a request to allot/sale of land for construction of a church. No specific direction is required for the same. Nothing prevents the writ petitioner from making a suitable representation seeking allotment/sale of land.

In view of the above, the Writ Petition is disposed of directing the petitioner to approach the Revenue Divisional Officer/District Collector concerned seeking allotment or sale of land, in which event the same

shall be dealt with in accordance with law. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ
Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

07.07.2015

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