

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

PIL No. 284 OF 2014

01-06-2015

Between:

Karumanchi Siva Rao

... Petitioner

And

The State of Andhra Pradesh, rep., by its Chief Secretary,
Secretariat, Hyderabad and five others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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PIL No. 284 OF 2014

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioner, in the instant PIL seeks to challenge an inaction of respondent Nos.3 to 5 in not stopping the construction of a temple by respondent No.6 in Sy.No.163/2 A1 of Konuru Village, Atchampet Mandal, Guntur District, which, according to him, is earmarked for public purpose. The petitioner has also prayed for a direction to respondent Nos.3 to 5 to stop construction being raised by respondent No.6 forthwith. It appears that during pendency of this petition, the construction has been stayed.

In the course of hearing, our attention was invited to G.O.Ms.No.262, dated 31-03-2010 which, it appears, was issued in pursuance of the directions issued by the Supreme Court in Petition for Special Leave to Appeal (Civil) No. 8519 of 2006, dated

07-12-2009. In paragraph 9 of the GO, the Government directed all the Collectors and District Magistrates that whenever new layouts are approved, provisions shall be made for such structures to come up only in the lands earmarked for public purposes and only with the proper permission in writing and a Committee under the chairmanship of the Joint Collector/Additional District Magistrate of the District with the District Panchayat Officer, concerned Police officials and the Municipal Commissioners in the district as members would review once in a quarter for implementation of the policy for removal/relocation/regularisation of unauthorised religious structures as per the reports of detailed survey on case to case basis and also to prevent any structures coming up in public places.

Mr. A. Veera Swamy, learned counsel appearing for respondent Nos.1 to 4 submits that the Committee as provided for in paragraph 9 of GO dated 31-03-2010 shall examine the case and issue appropriate directions. He submits that if the Committee finds that the construction of the temple is unauthorised, it shall take appropriate action within a period of four months from today. His statements are recorded and accepted.

Till the Committee decides the question, as aforementioned, respondent No.6 shall

not carry out any further construction. It is needless to mention that the petitioner and respondent No.6 shall have a right of audience before the Committee, if they so desire and the Committee shall issue notice to them when they consider the question, as aforementioned, and take appropriate decision. It is open to the parties to seek appropriate relief under the GO, dated 31-03-2010.

With these observations, the public interest litigation is disposed of. Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

01-06-2015

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