

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 15822 of 2015

Date : 25-06-2015

Between :

Kolagatla Satyanarayana S/o late Bapanaiah
R/o Venkata Krishnapuram village,
Dwaraka Tirumala mandal
West Godavari district

Petitioner

And

The State of A P
Rep by its Principal Secretary,
PR and Rural Devp, Secretariat, Hyd & others

Respondents

The Court made the following:

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ORAL ORDER:

This writ petition is filed seeking a writ of mandamus declaring the

action of the respondents 2 to 5 in proceeding with the construction of a temple by encroaching part of Government land in S.No.325/1,Venkata Krishnapuram village, Dwaraka Tirumala mandal, W.G. District as illegal.

The grievance of the petitioner is that illegally a temple is being constructed near his house and such construction is obstructing his ingress and egress as well as flow of air and sun light.

In the affidavit filed in support of the writ petition, petitioner admits that the land in which temple is proposed for construction is a Government Land in R.S.No. 325/1. In paras 4 and 5 of the affidavit petitioner contends that there is vacant site opposite to his house and on the same temple is being constructed. In para 6, it is contended that temple is being constructed by raising pillars in between school building and petitioner's house and construction is completed upto slab level. The above averments made by the petitioner are contradictory to each other. If the temple is being constructed adjacent to his house affecting enjoyment of his property and affecting ventilation to his house, petitioner ought to have made detailed complaint before the competent authority ventilating his grievance. The averments are inconsistent and do not show bonafides in making grievance. Petitioner makes a vague allegation that somebody is inimical to him and to settle scores encouraged to construct temple at this site. He has not spelt out the names of persons inimical to him and how they succeed if a temple is constructed. The petitioner has not made out any case for entertaining the writ petition. The writ petition fails and accordingly, the same is dismissed. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:25.6.2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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