

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 9464 of 2011

ORDER:-

When the matter was called on 29.06.2015, there was no representation on behalf of the petitioner. Hence, the matter was directed to be listed on 30.06.2015 under the caption "for orders". Even on that day, there was no representation on behalf of the petitioner, in spite of the matter being posted for orders. Hence, the matter was again directed to be posted to today. Even today, there is no representation on behalf of the petitioner.

The present writ petition is filed seeking issuance of a writ of mandamus declaring the action of the respondents in not considering the case of the petitioner for allotment of land to an extent of 300 square yards situated in Survey No.118 of Tirumalagiri Village and Mandal, Secunderabad, for the purpose of constructing a Temple, even though vacant and sufficient land belonging to the Government is existing in the said survey number, as illegal and arbitrary.

At the time when the matter is taken up for hearing, the learned Government Pleader for Assignment appearing for the respondents, on instructions received from the 2nd respondent, submits that the land admeasuring Acs.8.38 guntas situated in Survey No.118 of Tirumalagiri Village and Mandal is "Shikam Talab" and, as per the norms, Shikam land cannot be either alienated or allotted or assigned for any other purpose.

Since the land sought for by the petitioner is a Shikam Talab, which cannot be alienated or assigned (See (2001) 6 SCC 496, (2001) 4 ALD 758 and (2001) 4 ALD 776), the question of allotting the said land for the purpose of constructing a Temple does not arise. Further, the counsel for the writ petitioner is not present in spite of the matter being posted under the caption “for orders”. It appears that the petitioner is not interested in prosecuting the matter. Hence, the Writ Petition is liable to be dismissed for non-prosecution also.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

C. PRAVEEN KUMAR, J

1st July, 2015
cbs

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