

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

P.I.L.No.170 OF 2015

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

Heard learned counsel for the parties.

The petitioner in the instant PIL makes the following prayer:

“.....to issue a Writ, order or direction more particularly, one in the nature of WRIT OF MANDAMUS, declaring the action of the respondent 2 to 4 in permitting the 5th respondent to construct the Temple in the YSR Function Hall at Nataraj Nagar, Nirmal, Adilabad District is illegal, arbitrary and contrary to the Provisions of Andhra Pradesh Municipalities Act, and consequently direct the official respondents to stop the construction of the temple in the YSR Function Hall at Nataraj Nagar, Nirmal, Adilabad District, is illegal, arbitrary and contrary to the provisions of Andhra Pradesh Municipalities Act, and consequently direct the official respondents to stop the construction of the temple in the YSR function hall at Nataraj Nagar, Nirmal, Adilabad District.....”

The prayer is directed against the 5th respondent. However, learned counsel for the 5th respondent submits that respondent No.1 is not constructing the temple and that he is not concerned with the said construction.

Nataraj Nagar Residents and Owners Welfare Society has come forward through their counsel Mr.C.Naresh Reddy to state that they are constructing the temple as alleged. He submits that the temple was already in existence and since it was in a dilapidated condition, they are restoring it by making the questioned construction. He fairly states that the Society has not obtained any permission for restoration of the temple from the Municipal Corporation.

Mr.N.Praveen Kumar, learned counsel appearing for the Corporation, states that if the Society approach them for seeking permission to construct the temple and/or to seek regularization of the construction of temple which is in progress, they shall consider the same

on merits in accordance with law within a period of six weeks from the date of receipt of their application.

Learned counsel for the Society states the Society shall submit their application for seeking permission to construct the temple within a period of two weeks from today.

Their statements are accepted. It is needless to mention that the Corporation shall consider the Society's application for seeking permission, as aforementioned, on merits in accordance with law within the stipulated time. If the permission is refused/rejected, it is needless to state that the Society will have to remove the construction, subject to their right to challenge the rejection.

Writ petition is disposed of.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT,

J

Date: 01.09.2015

Stp/Lrkm