

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.8770 OF 2013

O R D E R

This writ petition was filed with the following prayer:

'For the reasons stated in the accompanying affidavit the petitioners pray that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of **WRIT OF MANDAMUS** declaring the proceedings in RC.No.E1/2468/2008 dated 19.10.2012 issued by 2nd respondent and consequential action of respondents in not allowing the residents of Kothagudem of Khammam City to bury/cremate dead in burial ground admeasuring Ac.0.28 guntas and Ac.2.30 guntas respectively covered by Survey Numbers 408/2 and 408/3 of Dhamsalapuram Revenue Village, Khammam Urban Mandal, Khammam City as illegal, irregular, irrational, without jurisdiction, violative of provisions of Greater Hyderabad Municipal Corporation Act, 1955 and offends Articles 14 and 21 of constitution of India and consequently direct the respondents not to interfere with burial/cremation of dead in the said burial ground and pass such other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.'

No interim orders were granted by this Court at the stage of admission of this writ petition.

Perusal of the impugned proceedings dated 19.10.2012 of the District Collector, Khammam District, reflects that the Tahsildar, Khammam Urban Mandal, was directed thereunder to handover the land admeasuring Ac.4.37 guntas in Sy.Nos.408/39, 408/40, 408/41 and 408/57 of Kothagudem, H/o.Dhamsalapuram Village, to the Secretary, Grama Panchayat, Dhamslapuram, for utilization as a Hindu burial ground duly canceling the allotment orders issued earlier in relation to Ac.1.20 guntas in Sy.Nos.408/2 and 408/3.

It is however stated by Sri Naresh Kumar, learned counsel representing Sri Nimmagadda Satyanarayana, learned counsel for the petitioners, that despite the fact that no interim orders have been granted by this Court, the residents of Kothagudem, including the petitioners, were permitted to bury and cremate their dead in the burial ground in R.S.Nos.408/2 and 408/3 of Dhamsalapuram Revenue Village, Khammam Urban Mandal, Khammam District.

In that view of the matter, it is clear that the impugned proceedings dated 19.10.2012 were not given effect to and the cause of action which arose in the year 2013 does not survive for consideration.

The writ petition is accordingly closed leaving it open to the petitioners to approach this Court on this issue, if warranted, in future. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

21st OCTOBER, 2016

PGS

SANJAY KUMAR, J