

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.30482 of 2011

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue writ, order or directions more in the nature of Writ of Mandamus to declare the acts of the respondents in demolishing the existing Sri Bhakthanjaneya Temple, situated in D.No.5-162, Main Road, Rayavaram Village and Mandal, East Godavari District, as illegal, arbitrary and violative of Art. 14, 19 and 21 of Constitution of India and all cannons of fair play and natural justice and consequently issue directions to the respondents not to demolish the said existing Sri Bhakthanjaneya Temple or any part thereof.”

In support of vacate application i.e., W.V.M.P.No.4022 of 2013 a counter-affidavit is filed by respondents 2 and 3 and in which at paragraph Nos.4 and 5 it is stated as follows:

“The respondent taken up the work of eviction of encroachments with a noble cause i.e to avoid traffic jams and traffic hazards. The respondents never tried to demolish their temple, Hence the hurting of the feeling of thousands of devotees does arise. Hence the contention of the petitioner is not maintainable.

5. *It is submitted that the respondent never tried or attempted to demolish the Bakthanjaneyaswamy temple situated at D.No.5-162 of Rayavaram the writ petitioner with a presumption that during eviction processes that the respondents may demolish the temple has approached the Hon'ble court and filed this writ petition. The writ petition deserves no consideration and it may be dismissed."*

While referring to the above said averments it is requested by learned counsel for the petitioner that the said averments of the counter-affidavit may be placed on record and the writ petition can be disposed of.

Recording the said submission, the writ petition stands disposed of, by placing on record the above averments of the counter-affidavit filed by respondents 2 and 3. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

October 25, 2016

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