THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.25741 OF 2016

ORDER:

Heard Sri V.S.K.Rama Rao, for the petitioner, learned Assistant Government Pleader for Panchayat Raj for respondents 1, 3 and 5; learned Assistant Government Pleader for Revenue for respondents 2 and 4 and Sri G.Seshadri for respondents 6 and 7.

2. The petitioner prays for mandamus declaring the action of the respondents in raising permanent construction i.e., Gram Panchayat office building in survey No.304/5B2 of Narava Village, Giddaluru Mandal, Prakasam District, as bad, illegal, improper etc.

3. The case of the petitioner is that Sri Lakshmi Narasimha Swamy Temple, Narava Village, Giddaluru Mandal, Prakasam District is an ancient temple of 500 years old. The ancestors of petitioner by contributing their own money and labour developed the temple and have also donated Ac.10.74 cents in survey Nos.298 and 208 of Narava Village. The father of the petitioner was declared as founder trustee by Assistant Commissioner of Endowments Department. The other averments made by the petitioner on the interest, entitlement to administer the temple are not referred to for the issue on hand is different. Admittedly, the Gram Pancahyat is constructing panchayat office building in survey No.304/5B2 of Narava Village and the petitioner is obstructing the construction in this survey number.

Learned counsel for the petitioner submits that the proposed site for construction is used by the temple on special and festival occasions, and if a permanent structure occupies, the place used by the petitioner institution, it will suffer loss, inconvenience and the action is against the sentiment of the devotees visiting the temple.

4. The petitioner further refers to an individual grievance against respondents 6 and 7, by alleging that the petitioner with a view to help the Gram Panchayat to have a permanent building, on 19.08.2015 gifted an extent of Ac.0.10 cents in survey No.309. Therefore, establishing panchayat building office in survey No.304/5B2 is untenable and arbitrary.

5. Sri G.Seshadri, for respondents 6 and 7, contends that the 2nd respondent allotted an extent of Ac.0.08 cents to respondent No.6 for construction of panchayat building. The temple has an extent of Ac.50.00, and the temple is not connected with survey No.304/5B2 in any way. The gift allegedly given by the petitioner is not registered. Insofar as the construction is concerned, the same has been undertaken in accordance with the provisions of the Panchayat Raj Act and prays for dismissing the Writ Petition.

6. Learned counsel for the respondents in support of his stand has drawn the attention of the Court to the counter affidavits filed by other respondents as well.

7. Having regard to the nature of right the petitioner seeks to enforce in the instant writ petition, I am not referring to the allegations made in the counter affidavits filed by other respondents. After perusing the material available on record, this Court is of the view that the petitioner cannot complain against the

decision taken by the respondents for construction of permanent building in survey No.304/5B2. Even in survey No.304/B/2, an extent of Ac.0.08 cents is granted for construction of building and the sentiment attached to the neighbourhood cannot be treated as completely ignored by the authorities. As long as the office is not constructed in the land belonging to the institution, the petitioner, in the name of canvassing the cause of institution, is not justified in challenging the construction of permanent building in survey No.304/5B2. It is not the case of the petitioner that the execution of work is not with prior permissions or resolutions of Gram Pancahyat. I am satisfied, the petitioner failed to make out a case, writ fails.

8. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE S.V. BHATT

NOVEMBER 17, 2016
YVL

THE HON'BLE SRI JUSTICE S.V.BHATT

<u>WRIT PETITION No.25741 OF 2016</u>

<u>Dt: 17.11.2016</u>

YVL