

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT APPEAL NO.996 OF 2016

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letter Patents Act, is preferred against the interim order passed in WPMP.No.35563 of 2016 in WP.No.28727 of 2016 dated 22.09.2016.

The order under appeal reads thus:-

“Admittedly, no permission was obtained from the District Collector, for erecting structure to be used for church by respondent Nos.3 and 4. It is not in dispute that such permission is required under law. Therefore, pending further orders, respondent Nos.3 and 4 are restrained from using the structures erected by them for any religious purpose until they obtained permission from the District Collector in that regard.”

When we asked Sri R.Siva Sai Swaroop, learned counsel for the appellants, whether permission had been obtained from the competent authority before proceeding with construction, he fairly stated that, while the building was constructed without permission, the appellants had subsequently applied for permission. The order under appeal restrains the appellants from using the structures only till they obtain permission and, the moment they are accorded permission, it is open to them to use the subject structure. We find no error in the order under appeal necessitating interference in proceedings under Clause 15 of the Letters Patent.

The Writ Appeal fails and is, accordingly, dismissed.
There shall be no order as to costs. Miscellaneous petitions,
if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(U.DURGA PRASAD RAO, J)

14th October 2016
RRB

