

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

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Writ Appeal No. 18 of 2016

Date:21.1.2016

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Between:

The Mandal Parishad Development Officer,  
Ramachandrapuram Mandal,  
East Godavari District.

Appellant

And

Boppana Veera Raju,  
R/o. Kandulapalem Village,  
Ramachandrapuram Mandal,  
East Godavari District and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE  
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Writ Appeal No. 18 of 2016

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-  
PC:(Per Hon'ble Sri Justice S.V. Bhatt)

Heard learned counsel for the appellant and learned counsel for the respondents.

The learned Single Judge through the order impugned in the appeal, has held as follows:

“Having regard to the facts and the untoward/unpleasant incidents that were said to have taken place during the previous year, and after giving earnest consideration to the submissions of both the sides, this Court is of the well considered view that it is not just and fair to allow as proposed the Janmabhoomi programme on 04.01.2016 near the premises of the Temple considering the vital fact that serene atmosphere is to be maintained in and around the Temple or for that matter at any religious place.

Accordingly, the Writ Petition is allowed directing the respondents not to hold the proposed Janmabhoomi – Mavooru programme as proposed near the premises of Lord Sri Venakateswara Swamy Temple and instead hold it at any place either near the Panchayat office or any other public place available in the village away from the Temple. No costs.”

We have perused the prayer and also the findings recorded by the learned Single Judge. *Prima facie*, we are of the view that the scope of the present writ petition is confined to the conducting of Janma Bhoomi Programme on 4.1.2016 near temple premises. The cause of action for which the writ petition is filed does not survive as on today for consideration by this Court in Writ Appeal. We make it clear that as and when the

Government intends to conduct any programme in the village and the Government takes a decision in this behalf, for conducting the programme near temple, it is open for the aggrieved parties to challenge the same by way of appropriate proceedings.

The writ appeal is disposed of with the above observations.

Consequently, pending miscellaneous applications shall also stand closed.

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**DILIP B. BHOSALE, ACJ**

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**S.V. BHATT, J**

21<sup>st</sup> January, 2016

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