

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40517 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent Nos.3 and 4 in not providing protection to the petitioners as per their representation, dated 26.10.2016, to protect the temple property and to take action against the offenders as illegal and arbitrary and consequently, to pass such other order as this Court deems fit and proper in the interest of justice.

2. Petitioner No.1 temple was constructed in the year 1923 and the same was in a dilapidated condition and therefore, the Guntur Municipality issued notice for removal of the temple as cracks were found to the Garbalayam of the temple and therefore, the petitioners issued notice for removal of the encroachments, which were in illegal occupation to an extent of 80 sq.yards belonging to temple by respondent Nos.5 and 6 (i.e., 40 sq.yards each), and without responding to the notice, respondent No.5 filed O.S.No.384 of 2011 on the file of the Senior Civil Judge, Guntur and the trial Court did not grant temporary injunction in his favour. Thereafter, petitioner No.1 and the Assistant Commissioner, Endowments Department, Guntur filed O.A.Nos.174 and 175 of 2011 under Section 83 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act seeking eviction orders and for removal of encroachments by respondent Nos.5 and 6 before the A.P. Endowments Tribunal at Pedakakani and the same were allowed on 20.9.2016 directing respondent Nos.5 and 6 to deliver vacant

possession of the property within one month to petitioner No.1 temple and in the event of their failure to do so, petitioner No.1 shall take possession of the same and the Station House Officer, Lalapet Police Station was directed to provide assistance for implementation of the orders to take possession of the property from respondent Nos.5 and 6. When petitioner No.1 has been making construction to protect and develop the temple property, respondent Nos.5 to 15 came and attacked him and caused injuries thereby, the Police, Lalapet, Guntur registered F.I.R.No.294 of 2016 under Sections 324 and 506 read with 34 I.P.C. Even though the physical possession was given to the petitioners, respondent Nos.5 to 15 are trying to encroach into the property illegally and they are also trying to do physical harm to petitioner No.1 and his family members. Petitioner No.1 made a representation, dated 26.10.2016, to the Superintendent of Police, East Circle, Lalapet Police Station, Guntur, seeking police protection to the petitioners to protect the temple property and to take action against the offenders but till date, no such action is taken by respondent Nos.3 and 4.

3. Heard and perused the material available on record.

4. Admittedly, petitioner No.1 has not given any representation to respondent No.3 except the representation, dated 26.10.2016. Hence, the petitioner is directed to give a fresh representation to respondent No.3 informing all the facts and circumstances which necessitated him to seek police protection and on such representation, respondent No.3 shall consider the same and pass appropriate orders in accordance with law.

5. With the above direction, the Writ Petition is disposed of.
There shall be no order as to costs.

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

JUSTICE RAJA ELANGO

23.11.2016
AMD



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.40517 OF 2016

Date: 23.11.2016

AMD