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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 3121 OF 2002

14-03-2016

Between:

Utukuri Bhadrinarayana

... Petitioner

And

The Secretary, Municipal Administration, Government of Andhra
Pradesh, Hyderabad and others

... Respondent

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT PETITION No. 3121 OF 2002

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Sri A.V.S. Rama Krishna, learned counsel for the petitioner; Sri A.M. Qureshi, learned counsel for respondent No.6 and Sri Shafath Ahmed Khan, learned counsel for respondent No.7.

The petitioner, in the instant writ petition, seeks the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that the Hon'ble Court may be pleased to issue a Writ, Order or, Direction more particularly one in the nature of Writ of Mandamus Directing the respondents not to permit to raise any structure in T.S.No.14 of ward No.12 Chirala, vacant land abutting the road on northern side and in between temples of Sri Mahalakshamma and Sri Ganga Bramarambha Sametha Malleswara Swamy Temple, Chirala on West and Eastern side respectively, and not to allow the 5th respondent to raise construction and to locate Shaki Khana and Urdu Ghar in the vacant land and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Sri Shafath Ahmed Khan, learned counsel for respondent No.7 submits that in any case, respondent No.5 cannot raise any construction without the permission of respondent No.7 – Wakf Board. Sri A.V.S. Rama Krishna submits that the property on which respondent No.5 proposes to raise a construction does not belong to

them and it is a government property and if they raise any construction that is likely to create law and order problem.

We are not entering into the issue of title and even the question whether respondent No.5 can raise any construction over the property in dispute. We are satisfied that this writ petition can be conveniently disposed of by the following order:

“Respondent No.5 shall not raise any construction over the property in dispute without taking permission from the concerned authority and no objection from the Wakf Board. It is open to the petitioner to take appropriate remedy for preventing respondent No.5 from raising any construction over that the property in dispute and for declaration that it does not belong to respondent No.5. If any such proceeding is initiated, we hope and trust that the same shall be decided on merits, in accordance with law. All contentions of the parties are kept open.”

With these observations, the writ petition is disposed of.

Miscellaneous petitions, if any, also stand disposed of. No order as to costs.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

14-03-2016

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