

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.10653 of 2007

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking to declare the proceedings, dated 16.03.2007, of the 1st respondent and the consequential proceedings, dated 30.03.2007, of the 2nd respondent, as illegal and arbitrary and set aside the same.

Heard and perused the material available on record.

The case of the petitioners is that the South Central Railway is the owner of the subject land which is surrounded by Railway Quarters 354, 362 and 373 situated at Rifle Range Colony, opposite Railway Printing Press. While so, the 3rd respondent made a representation to the Railway Board for allocation of railway land for religious purpose and the railway Board issued the subject land to the 3rd respondent on lease on payment of nominal licence fees. Thereafter, the 2nd respondent constituted an adhoc committee vide proceedings, dated 16.03.2007, and also issued proceedings, dated 30.03.2007, permitting the Committee to lay the roof sheets on the existing steel structure on the Masjid. The petitioners challenge the above proceedings.

Heard and perused the material available on record.

A perusal of the record discloses that admittedly the land belongs to the South Central Railway. It is also not disputed by the 2nd respondent. Learned counsel for the petitioners submitted that the Railway permitted its employees to conduct prayers in the subject land and the employees were conducting the prayers by laying sheds. The

2nd respondent issued permission to the employees for laying the roof sheets on the existing structures. When the 2nd respondent is not having any right to grant permission, the said permission is not valid in law and therefore, they cannot proceed with the constructions.

Considering the facts and circumstances of the case, the writ petition is allowed and the proceedings No.14/ Sec'bad/ C/ 2007, Zone-1, dated 16.03.2007, issued by the 1st respondent and the consequential proceedings No.19/ N1/ Hyd/ 2007/ Zone-1, dated 30.03.2007, issued by the 2nd respondent are hereby set aside.

No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

August 08, 2017

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RAJA ELANGO, J

