

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.309 of 2017

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

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.M.P.No.57264 of 2016 in W.P.No.46481 of 2016 dated 05.01.2017. The appellants herein (respondents 4 to 14 in the writ petition) commenced construction of a temple within the premises of the Kalyana Mandapam. By way of an interim order, the Learned Single Judge directed them not to make any further construction without obtaining prior permission from the Municipality as well as the District Collector.

While Sri K.Sitaram, learned counsel for the appellants would submit that the 1st respondent-writ petitioner lacks jurisdiction to file the present writ petition, the fact that the Temple was sought to be constructed without prior permission, from the Municipality and the District Collector, is not in dispute.

Section 2(3) of the A.P. Municipalities Act, 1965 (for short "the Act") defines "building" to mean any structure constructed of any materials for any purpose, and includes a house, out-house, shop, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding two meters in height), or any part of such building.

Any structure constructed of any material for any purpose is brought within the definition of "building" under Section 2(3) of the Act. Consequently, permission would be required to be obtained from the Proddatur Municipality. Further, in terms of Section 202 of the Act and the Government Orders issued thereunder,

permission of the District Collector is also required to be obtained, as it is a religious structure.

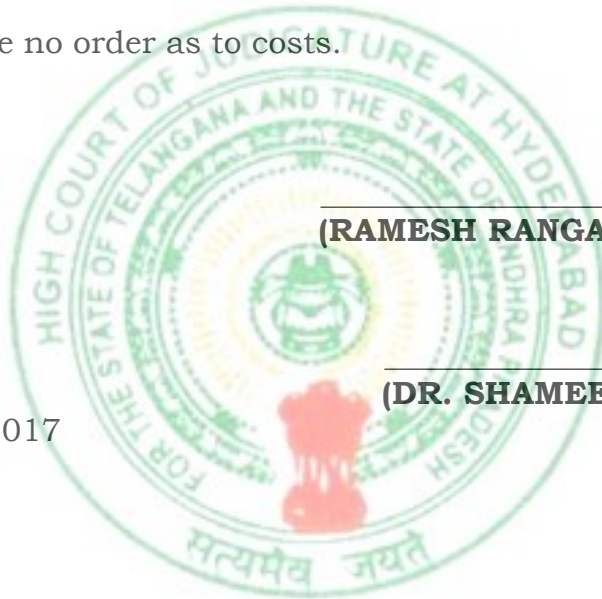
All that the Learned Single Judge has done is to injunct the appellants from proceeding with the construction till they obtain permission from the Municipality and the District Collector. The order does not prevent the appellants from obtaining such permission and, thereafter, proceeding with the construction. We see no reason, therefore, to interfere with the order under appeal.

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

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

17th March, 2017
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Date: 17.03.2017

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