

THE HONOURABLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.3332 of 2007

ORDER

This writ petition is filed with the following prayer:

“to pass an order or direction or writ under Article 226 of the constitution of India, more particularly one in the nature of writ of mandamus declaring the action of the respondent in issuing Lr.No.SCB/EB/GLR, Sy.No.487/Part/485 dated 15.02.2007, rejecting the representation of the petitioner-association dated 06.12.2006, contrary to the orders passed by this Court in W.P.No.25575 of 2006 dated 08.12.2006, without placing the same before Board as bad, illegal, arbitrary, unjust, unconstitutional and against the principles of natural justice and consequently direct the respondent to allot the site in GLR.Sy.No.487/Part situated adjacent to Sri Siddi Vinayaka Temple, Secunderabad, on nominal lease basis and pass such other and further order or orders”.

2. It is stated in the affidavit that the petitioner-Association had constructed Sri Siddi Vinayaka Temple in the year 1981 in the land in Sy.No.GLR-487 situated at Secunderabad Cantonment, belonging to the respondent Board and it has been utilizing the open land adjacent to the temple for parking of their lorries. When the respondent Board was threatening the petitioner to remove their lorries from the said site, the petitioner filed several writ petitions, wherein this Court directed the respondent to consider the representation/application of the petitioner. Subsequently, the respondent Board has considered the representation and rejected vide letter dated 15.02.2007. Challenging the same, the present writ petition is filed.

3. Learned counsel for petitioner submits that the parking of lorries in the land in question is not causing any inconvenience to the public and therefore, the respondent may be directed to allot the site in Sy.No.GLR-487 to the petitioner association.

4. Learned Standing Counsel for respondent Board submits that the land in question was earmarked for the purpose of Public Park and it cannot be allotted for any other purpose. He further submits that the representation of the petitioner has been considered and rejected.

5. It is not in dispute that the land in question belongs to the respondent Board. In several writ petitions filed by petitioner association, this Court gave direction to consider the representations of petitioner, and in pursuance of the said direction, the respondent has considered and rejected the said representations. Since the representations of petitioner have been considered and rejected on two occasions, I find no ground to interfere with the impugned letter.

6. The Writ Petition is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

M.S.K. JAISWAL, J

22nd September, 2017

sj