

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.28657 OF 2010

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to direct the second respondent to implement G.O.Ms.No.33 Housing (HB.II) Department dated 06.06.2005 issued by the first respondent, for allotment/sale of land admeasuring 90 square yards situated beside the petitioner-temple at KPHB Colony, Baghlingampally, Hyderabad.

The facts leading to filing of the writ petition are as follows:

The petitioner-Samithi is a registered Body constituted in the year 1991 for establishing Shri Shiridi Saibaba Temple in Baghlingmapally, Hyderabad. In the year 1998, the temple construction work was completed and the Idol of Shri Saibaba was installed. As number of devotees visiting the temple was increasing day-by-day and in order to overcome the difficulty in parking of the vehicles, the petitioner-Society made a representation to the Government for allotment of subject land to it. Pursuant to the same, the Government issued GO Ms.No.33 dated 06.06.2005 according permission to the second respondent for allotment of 90 square yards of land situated beside the temple for parking purpose, subject to certain conditions. Thereafter, the petitioner addressed a letter dated 23.06.2005 to the second respondent seeking to implement the G.O. Alleging inaction on the part of the respondents, the present writ petition came to be filed.

Though no counter is filed, the learned Government Pleader for Housing Board would submit that the GO, which has been issued by the respondents, is not binding on the APHB. It is stated that since the land belongs to Housing Board, the discretion is left with the President of the Housing Board either to sell/lease the land. He further submits that if the representation made by the petitioner is still pending consideration, the same may be directed to be considered by the respondents.

Having regard to the statement made across the Bar, the Writ Petition is disposed of directing the second respondent to consider the representation dated 23.06.2005 made by the petitioner, for implementation of the G.O., within a period of four weeks from the date of receipt of a copy of this order, in accordance with law. If no such representation is made by the petitioner, it is at liberty to make a fresh representation before the second respondent, explaining the reasons as to why the said land is necessary, within a period of two weeks from the date of receipt of a copy of this order, in which event, the same shall be dealt with in accordance with law, within a further period of four weeks thereafter.

Consequently, miscellaneous petitions pending in this writ petition, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

14.09.2017
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