

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.41852 of 2017

ORDER:

This Writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

'..to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to declare the inaction of the respondent nos. 2 & 3 herein in not stopping the illegal constructions and developmental activities without the permission of respondent no.2 herein and encroaching into the Katamayya Temple land to an extent of Ac.1.00 in Sy.no.286 situated in Nadergul village, Balapur Mandal, Ranga Reddy District as being illegal, arbitrary, discriminatory and violation of Article 14 & 21 of the Constitution of India consequentially it is also further prayed that this Hon'ble Court may be pleased to declare the illegal construction and developmental activities without the permission of respondent n.2 herein and encroachment into the Katamayya Temple land to an extent of Ac.1-00 in Sy.no.286 situated in Nadergul village, Balapur Mandal, Ranga Reddy District and pass such other order or orders may deem fit and proper in the circumstances of the case." (Reproduced verbatim)

2. I have heard the submissions of *Sri V.Raghunath*, learned counsel appearing for the petitioners; learned Government Pleader for Municipal Administration and Urban Development representing the 1st respondent; *Sri N.Praveen Kumar*, learned Standing Counsel representing the 2nd respondent; learned Government Pleader for Revenue appearing for the 3rd respondent; and, *Sri Y.Ashok Raj*, learned counsel appearing for the respondents 4 and 5. I have perused the material record.

3. The case of the petitioners and the submissions made on their behalf, in brief, are as follows: 'The temple in the subject property is a community temple. Petitioners 1 and 2 are the President and Vice Presidents of 'Gowda'

community and they are looking after the affairs of the temple. While so, the respondents 4 and 5 and some real estate dealers encroached into the temple land illegally and started developing the property and making constructions without any right or interest in the property or permission from the Municipal Authorities or Nagar Panchayat. They fixed stones and erected fencing and are guarding the property and preventing the villagers from going to the temple and performing rituals in the temple by occupying the temple and the temple lands. When a representation, dated 04.12.2017, was given to the 2nd respondent, no action is taken. Therefore, the writ petition is filed.'

4. Learned counsel appearing for the petitioners would submit that if the representation, dated 04.12.2017, is directed to be considered and disposed of by the respondents 2 and 3 in accordance with the procedure established by law, the grievances of the petitioners and that of the people of the community stand redressed.

5. Learned Standing Counsel appearing for the respondents 2 and 3 and the learned counsel appearing for the unofficial respondents 4 and 5 would submit that the dispute raised is purely a civil dispute and that the said dispute cannot be resolved in a writ petition and that the petitioners ought to have approached a Civil Forum and that therefore, the writ petition is not maintainable.

6. In reply, learned counsel for the petitioners would submit that the respondents 2 and 3 are required to examine as to whether the activities like laying out the property, fixing stones, erecting fencing and making construction without permissions are issues, which the said authorities are required to examine and take action to stop the same, if such activities are being undertaken and proceeded with, without any valid permissions.

7. Recording the said submissions, the Writ Petition is disposed of directing the 3rd respondent to consider and dispose of the representation, dated 04.12.2017, of the petitioners, if necessary, after calling for a report from the 2nd respondent, and pass appropriate orders in strict accordance with the procedure established by law, however, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioners within a week thereafter. In the meanwhile, the respondents 1 to 3 shall see that the villagers and the people of the community of the petitioners are not obstructed from going to the temple and performing the rituals.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

18.12.2017
RAR



M. SEETHARAMA MURTI, J