

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39972 of 2017

ORDER:

In this Writ Petition, the challenge is to the action of the respondents in seeking to demolish the subject Sivalayam temple and the annexed structures, which were constructed in a private patta land gifted to the temple.

2. I have heard the submissions of Sri *N. Subba Rao*, learned counsel appearing for the petitioner, and of Sri *S. Lakshmi Narayana Reddy*, learned Standing Counsel appearing for the respondents 1 to 3. I have perused the material record.

3. Learned counsel appearing for the petitioner would submit that when a show cause notice, dated 18.10.2017, was issued under Sections 405 & 406 of the Hyderabad Municipal Corporation Act, 1955, referring to orders passed by the Hon'ble Lokayuktha in Complaint No.902/2015/B1, dated 20.06.2017, an explanation was submitted, on 31.10.2017, and that without passing any further orders, the compound wall of the temple was demolished alleging *inter alia* that the temple was constructed by encroaching into the alignment of 130 feet wide road to an extent of 279 square yards. He would also submit that it is stated that survey has been conducted by the Assistant Director of Survey and Land Records, Visakhapatnam, and that in the said survey, it is found that an encroachment into the road has been made and that the said survey was conducted behind the back of the petitioner without giving any notice to the petitioner.

4. Learned Standing Counsel appearing for the respondents would submit that after the show cause notice was issued and explanation was offered, consent was given for removing the compound wall and

sheds, which are encroachments into the road and to retain the temple and dwajasthambham, as the coming month at that time is Karthika Masam and that on such consent only, demolition was undertaken. However, he would submit that in view of the explanation offered by the petitioner, further orders are required to be passed after considering the explanation of the petitioner and, hence, the writ petition may be disposed of with appropriate directions.

5. Learned counsel for the petitioner endorses the said submission and seeks protection of the constructions till such exercise is completed.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representation, dated 31.10.2017, of the petitioner in strict accordance with the procedure established by law, however, within a period of four (04) weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within a week thereafter. Till such exercise is completed, the petitioner shall maintain absolute *status quo* without making any further constructions in the property and the respondents shall not undertake any further demolition work.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 28th November, 2017

KL

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.39972 of 2017

Date: 28th November, 2017

KL