

THE HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.33361 of 2016

ORDER:

Heard the learned counsel for the petitioner as well as learned Standing counsel appearing for the 3rd respondent-Municipal Corporation.

The prayer in the writ petition is as follows:

“The Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents proposing to demolish the Masjid-e-Rahman situated in Old D.No.38, New D.No.86-44/1, (Demolishing Marking No.137), Lalupuram Main Road, KVP Colony, Guntur, Guntur District without acquiring the same under Act 30 of 2013 and without issuing notice is illegal, arbitrary and contrary to the Art.300-A of the Constitution of India, 1950, and pass such other order or orders as this Hon’ble Court may deem think fit and proper.”

The case of the petitioner is that he is the President of the Masjid-e-Rahman Managing Committee and is authorized to represent the matter and filed writ petition questioning the arbitrary action of the respondents in proposing to demolish the Masjid situated in Old D.No.38, New D.No.86-44/1, at Lalupuram Main Road, KVP Colony, Guntur District, without issuing any notice and without initiating any proceedings under Act 30 of 2013. It is also the case of the petitioner that he has

submitted two representations on 29.6.2016 and 18.8.2016 before the 3rd respondent-Municipal Corporation requesting not to demolish the Masjid without resorting to due process of law. Even if any such demolition activity is resorted to, the petitioner may be given alternative premises.

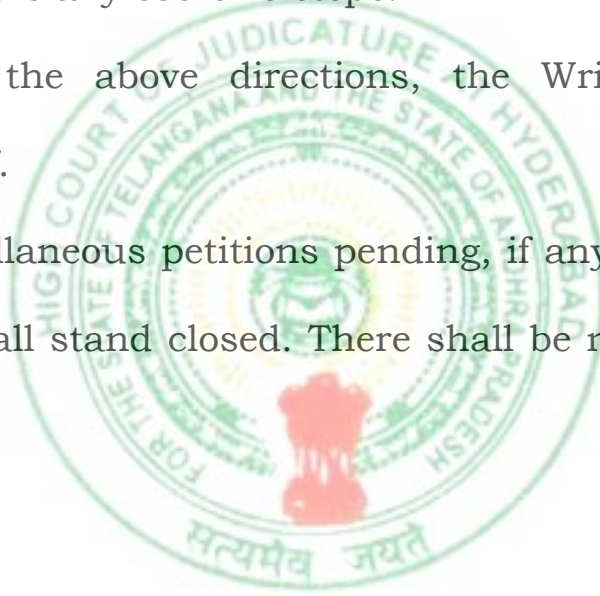
During the course of hearing, it is informed by the learned Standing counsel for the 3rd respondent-Municipal Corporation that negotiations are going on by following the procedure as contemplated under Sections 146 and 147 of the Hyderabad Municipal Corporation Act. He informed the Court that the Municipal Corporation is also considering the representations dated 29.6.2016 and 18.8.2016.

Taking into consideration the facts and circumstances of the case and also the statement made by the learned Standing counsel for the 3rd respondent-Municipal Corporation, across the Bar, that negotiations are going on and the 3rd respondent-Corporation is considering the representations, this court is of the opinion that a direction can be given to the 3rd respondent-Municipal Corporation to dispose of the representations.

Accordingly, the 3rd respondent-Municipal Corporation is directed to consider the representations dated 29.6.2016 and 18.8.2016, submitted by the petitioner, and pass appropriate orders, as per law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of copy of the order. However, it is made clear that till the above said exercise is completed, the 3rd respondent-Municipal Corporation shall not take any coercive steps.

With the above directions, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.



JUSTICE P.KESHA VA RAO

Date: 23/04/2018

lkv

