

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.16449 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief/s:

‘...to issue a writ, order or direction, more particularly a writ in the nature of Writ of MANDAMUS declaring the action of the 1st respondent i.e., the Station House Officer, Rajendranagar Police Station, Cyberabad, Rangareddy District in stopping the petitioner trust from undertaking the construction of the left over works in Sri Shiridi Saibaba Temple situated in HUDA colony Cross Roads, Sainagar, Attapur, Rajendranagar, Hyderabad at the instance of the 5th respondent as bad, illegal, arbitrary, one without jurisdiction and pass such other order or orders as the Hon’ble Court may deems fit and proper.’

The case of the petitioner, in brief, is this: - ‘The subject temple is situate in HUDA colony cross roads, Sainagar, Attapur; it is in existence since 20 years; its administration is under the petitioner trust. The construction of the first floor was completed and idol of the Lord was installed and entire civil works are completed. Marble flooring in the first floor is completed. While marble flooring in the ground floor is being undertaken by the petitioner trust for the benefit of the devotees, obstruction is being caused. Therefore, the petitioner trust is unable to complete the left over construction work and hence, the writ petition is filed.’

Learned counsel for the petitioner submits that the obstruction is being caused at the behest of the 5th respondent and hence, the writ petition is filed.

Learned Government Pleader (Telangana), on written instructions, dated 02.05.2018, a copy of which is placed on record, submits as follows: - 'The subject temple was constructed without permissions; therefore, the mutt has given a complaint against M. Sudhakar Reddy, who is representing the petitioner trust and on that a case in Crime No.1849 of 2017 is registered, on 30.08.2017, for the offences punishable under Sections 447 & 427 IPC and investigation is taken up into the said crime; that this Court already passed order, dated 06.12.2013, in WP.No.35210 of 2013, and order, dated 05.08.2014, in WPMP.No.26468 of 2014 in WP.No.21109 of 2014, directing the HMDA not to erect compound wall and not to interfere with the possession of the mutt; and that the petitioner, therefore, was asked to abide by the Court orders; except doing so, the police have not stopped the construction work and never interfered with the affairs of the temple.'

Learned counsel for the petitioner, in reply, submits that if the submissions of the Government Pleader are recorded and the writ petition is disposed of, the grievance of the writ petitioner stands redressed.

Recording the submissions of the learned Government Pleader, the Writ Petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

02.05.2018

Vjl