

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.5602 OF 2009

ORDER:

In this writ petition, the apprehension of the petitioner-Temple is that the respondents are trying to dispossess/vacate its priest from the quarter existing in the temple premises under the guise that the entire temple falls within the classification of A-1 land.

According to the petitioner-Temple, the managing committee of the temple conducted a meeting on 16.10.2001 and constructed a temporary shed in the temple premises with asbestos sheets for the residence of the priest for security reason and for smooth performance of pujas and rituals in the temple. However, on 16.03.2009, the officials of 2nd respondents visited the temple and directed the priest to vacate the quarter by 19.03.2009 and if he fails to do so, threatened to evict him forcibly. Hence, the present writ petition.

This Court, while admitting the writ petition, granted status quo on 19.03.2009 and the same is in force.

In the counter affidavit filed on behalf of respondents, the factum of existence of the petitioner-temple, erection of temporary shed for residence of the priest and his residing therein along with his family is not disputed. However, it is alleged that the Hanuman Mandir where the priest is residing is an illegal encroachment on A-1 defence land belonging to 1st respondent.

Having regard to the facts and circumstances of the case and in view of the specific admissions made in the counter affidavit, the writ petition is disposed of directing the respondents not to dispossess the priest of petitioner-temple from the temporary shed erected in the

temple premises, without following due process of law and no coercive steps shall be taken for demolition of the existing temporary therein. Further the managing committee of the petitioner-temple including its priest shall maintain status quo with regard to the temporary shed in dispute and shall not make any further constructions/modifications or expansion to the existing shed. No costs.

Consequently, pending miscellaneous applications stand closed.

T.AMARNATH GOUD, J

11th DECEMBER 2018
TSR

